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A DESCRIPTION OF BAIL VERIFICATION AND BAIL SUPERVISION PROGRAMS IN WESTERN CANADA

CORRECTIONS PROGRAM

CANADIAN CENTRE FOR JUSTICE STATISTICS

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EXECUTIVE SUMMARY

Introduction

Pursuant to the Canadian Charter of Rights, any Canadian accused of a crime has the right "not to be denied reasonable bail without just cause" (Section 11(e)). Yet, an individual may be held in custody if it can be shown in court that detention before trial is necessary to: 1) ensure protection of the public; and/or, 2) ensure the appearance of the accused at his or her trial. Consequently, about 7% of persons charged by police are held in custodial detention on remand status, awaiting their scheduled trial date.

However, under the authority of either the police or the courts, the vast majority of accused are able to return to the community. Before accused persons are released by a Judge or Justice of the Peace, it is common practice that they be required to sign an "undertaking" - whereby the accused agrees to return for trial - or enter into a "recognizance" - whereby the accused agrees to return for trial, and provides money or other property as surety. Through both an undertaking and recognizance, the courts have traditionally been able to make certain stipulations; for example, that the accused remain within a designated area, or that the accused avoid contact with particular persons.

In recent years, new and innovative programs have arisen in some provinces which enable Justices and Judges to grant interim release under a new set of conditions. With the availability of "bail supervision" programs, accused persons on bail can be required to report regularly to an officer of the court (or other designated person), to respect certain curfew hours, or to follow other conditions that may be considered appropriate. These programming initiatives allow the court to monitor the behaviour of the accused with a view to providing further assurance that conditions will be followed and that the accused will not commit any offences. When needed, these programs can also provide the accused with counselling services, either directly or through referral to other helping agencies.

Importantly, bail supervision programs further provide the courts with a viable alternative to pre-trial custody. The objective of many programs is to

reduce the pre-trial jail population by supervising those accused who, if it were not for the availability of bail supervision, would have been held in custody. The present study revealed that concern with prison overcrowding and/or unnecessary pre-trial detention has been an important stimulus to the growth of bail supervision programs.

Frequently associated with bail supervision programs are "bail verification" programs. Through these programs, the courts are able to request additional information about the accused and to ensure that it has been verified prior to the court's review. This service can assist the court's determination on the suitability of the accused for pre-trial release, and also helps the court to select appropriate bail conditions. Most importantly, a pre-bail inquiry can instruct both the judge and program administrators on the suitability of the accused for bail supervision.

The purpose of the present study was to examine bail verification and supervision programs in Western Canada. (While programs also operate throughout Ontario, the recent completion of a similar study by the Ontario Ministry of Correctional Services led to the exclusion of Ontario from this study.) Through site-visits, interviews, a review of program documentation, and the collection of data from actual case files, the major programs of eight Western cities were explored in considerable detail (i.e., Winnipeg, Regina, Saskatoon, Edmonton, Calgary, Victoria, Vancouver, and Prince George).

It should be noted that this study was not designed to critically evaluate programs or to determine how successful they were in meeting their objectives; for example, whether programs have actually reduced the remand jail population. However, the qualitative information and descriptive statistics generated by the study are an important contribution towards a more detailed understanding of bail programs in Canada.

Major Findings

While bail programs have operated in Western Canada since the early 1970's, it it became evident that only in recent years have programs expanded and become firmly implanted in most Western court systems. Of the ten programs studied

in the eight cities, six were implemented or had been significantly restructured since 1980. From 1980 to 1985, bail supervision caseload numbers increased at an annual rate of 16.5%.

Even though most programs appeared to share the same basic objectives, their organizational structures and operating procedures were found to be quite distinct. This should be expected, as programs operate within separate provincial systems, are assigned differing levels of resources, and are inevitably affected by the operations of local agencies within the justice system.

For example, the relative importance of bail verification services varied considerably. Some supervision programs did not include a bail verification component, while other programs entailed extensive pre-bail inquiries which were promoted by program administrators as a prerequisite to the placement of an accused on bail supervision. Detailed inquiries would sometimes include interviews with the victims of crimes for which accused were charged.

Furthermore, some bail supervision programs were clearly more entrenched in the court system than other programs. While actual data were not available, estimates were made on the proportion of accused who receive an order of supervision as a condition of their release. In Victoria, approximately 60% of all interim releases included an order of bail supervision. Programs in most other cities involved less than 15% of accused who were granted pre-trial release.

Programs were also found to vary in the scope and intensity of supervision services. While some programs had to settle for periodic reporting by accused - with little time for interviews - other programs involved random spot checks at the residence of the accused, and/or had the capacity to offer a range of counselling services to the accused.

One interesting variation in program services was found in Edmonton, where the John Howard Society was contracted to run a "bail assistance" program. Workers identified accused who were held in custodial remand because they were

unable to perfect bail, and subsequently tried to secure their release under bail supervision by helping them to raise money, or by directly loaning them money. Administrators felt that the structure of this program was particularly suited to the objective of reducing the jail population.

To fully understand the nature of bail programs and the reasons for their specific methods of operation, it is important to read the main body of the report. The history and the current environment of each program are described in detail. As a general overview, the following statistical highlights are presented.

I. Program Operations

- In 1985, the total number of pre-bail enquiries in Calgary was highest at 1,500 - since then, bail verification services in Calgary have been cancelled. The number of enquiries in other cities ranged between zero in Victoria, where there is no verification program, to 730 in Vancouver.

- On a per capita basis, the three cities in British Columbia (Vancouver, Victoria, and Prince George) had the largest number of new intake for bail supervision, ranging between 23 and 44 cases per 10,000 adult population. Regina was lowest with 5 cases per 10,000 population.

- It was estimated that less than 5% of interim releases in Regina and Saskatoon include an order for bail supervision, while the three cities in British Columbia appeared to have the largest proportions of accused persons placed on bail supervision - approximately 60% of accused in Victoria, 32% in Vancouver, and 28% in Prince George.

- Victoria and Prince George also have the largest average bail supervision caseloads per 10,000 population - 13 and 12, respectively. Other cities ranged between 2 and 6.

- It was estimated that the total number of full-time staff across the four Western provinces who directly supervise accused persons was 21.

- The average caseload per staff member ranged from 12 in Regina to 100 in Vancouver. The staff of most of the eight cities handled caseloads between 80 and 90.

II Caseload Description

- Data from a sample of 339 cases - selected from programs in each of the eight cities - showed that the average age of accused persons under bail supervision was 27, ranging from 16 to 72 years of age.

- The majority of accused persons were male (82%), non-Native (75%), and were unemployed (66%).

- Almost one in every three cases involved a charge for a crime 'against the person'.

- The average length of bail supervision was 152.4 days or five months, ranging from one day to 28 months.

- Forty percent of all case files contained one or more reports on a violation of a condition of interim release; one in every four accused was breached during their period of supervision.

- One in two accused on bail supervision received a disposition of a fine, probation order, or jail sentence; overall, 25% of the accused in the sample received a jail sentence.

- Of those cases that resulted in a custodial disposition, the average sentence was 379.3 days, ranging from one day to 2,555 days.

PREFACE

The present study was made possible by the co-operation and assistance of Heads of Corrections, Program Advisory Committee representatives, and most importantly, those in the justice community who are directly involved in providing bail verification and supervision services. The Centre is indebted to these people for their contributions to the research.

A draft final report for this project was prepared by a researcher working under contract with the Centre. The document was subsequently edited and revised by Corrections Program staff. The original draft included appendices which contained the policies and procedures for bail verification and supervision programs in each of the Western Provinces. For copies of these documents, or to obtain the names and addresses of provincial representatives who can provide further information regarding bail programs, persons should contact:

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Two related research reports were also produced by the Centre, and are available upon request:

Custodial Remand in Canada - A National Survey; and,

A One-Day Snapshot Profile of All Persons in Provincial Adult Correctional Institutions.

The Canadian Centre for Justice Statistics, Statistics Canada, should be credited when reproducing or quoting any part of these three reports.

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INTRODUCTION

STUDY BACKGROUND

In November, 1984 a discussion paper prepared by the Corrections Program, Canadian Centre for Justice Statistics was presented to the Heads of Corrections (HOC) Committee. The paper focussed on a series of issues and research questions related to pre-trial custody in Canada. Following careful consideration, the HOC identified its major concerns and proceeded to provide the Centre with a focus for both short and long-term research projects. The research objectives are summarized below:

- Assemble a statistical profile of custodial remand which details the composition of the pre-trial detention population.
- Describe the organization and operation of facilities used for custodial remand and examine the availability of institutional and other services for remandees.
- Describe the organization and operation of bail verification and supervision programs and assess the impact that programs have on the size and composition of the custodial remand population.
- Examine the decision-making and review process leading up to pre-trial detention.
- Examine the ethical, philosophical and practical issues associated with segregating remand inmates and examine the need for "classification" within the remand population.
- Assess the potential impact of the Young Offenders Act on the pre-trial detention of young persons.

During 1985, the Centre budgeted resources to begin work on four short-term projects to be completed within the calendar year. The projects were designed to produce descriptive information that would serve as a base for further research and that would facilitate development of the Centre's core database on corrections.

The purpose of this particular study was to examine alternative programs to custodial remand in the four western provinces and, more specifically, to describe the operation and organization of Bail Verification and Supervision Programs.

BAIL IN CANADA: A BRIEF OVERVIEW

The release of individuals prior to their trial date has a history in British jurisprudence almost eight hundred years old. In 1215, the Magna Carta layed the principle that individuals have a right to personal and political liberty, including the right to be considered innocent of a crime until proven guilty. This new tenet, coupled with jail conditions in the 13th century that were so squalid that many accused detained for trial died before their cases could be heard, led to the legal provision of pre-trial interim release, that is, "bail".

While contemporary Canadian society is long removed from 13th century Britain, the right of an accused to seek bail is still fundamental to the prosecutorial process. Over the years, it also appears that the same issues have continued to be associated with bail:

° Who should make the decision to release?
° How do you decide who should and should not be released?
° How do you ensure that an accused, once released, will attend trial?

In Canada, bail provisions were not formally defined until the 1972 Bail Reform Act. Impetus for the Act came from the work of the Ouimet Commission and material published by Dean Friedland. Prior to 1972, a Justice or Magistrate had absolute discretion to grant bail to any accused except those charged with an offence punishable by death, any treasonable offence, or non-capital murder.

A Judge of a Superior Court could also grant release and review Lower Court decisions within the same offence parameters as the Justice/Magistrate. The Criminal Code of Canada offered no guiding principles to assist a Justice in determining whether an accused should be released on bail. Bail legislation was based, for the most part, on nineteenth century British law and decisions regarding bail applications were determined individually on a set of rather loose guidelines which had evolved out of British and Canadian case law. Bail usually involved the deposit of cash or other security by the accused.

In 1972, new provisions were built into the Criminal Code stipulating who could release an accused charged with a crime, under what conditions release would be granted, and time frames within which the release decision had to be made. The new legislation gave release duties to police, Justices and Judges of both the Provincial and Superior Courts. With the exception of amendments in 1976 which introduced reverse onus conditions for accused in certain circumstances, the 1972 legislation has remained intact.

The right of release for accused individuals in Canada is now enshrined within the Canadian Charter of Rights, Section 11(E). An individual must be granted reasonable bail unless just cause can be shown for denial. This means that bail is not simply a privilege to be granted or withheld at the discretion of the Justice; it is a constitutional right of every Canadian.

The Criminal Code sets out tests and procedures to determine what is reasonable and just cause for denial of bail and imposes on police and courts a duty to enforce an individual's right of release - Part 4, Sections 448 to 458.

The police have wide-ranging powers of release under the Criminal Code. The arresting police officer can release an accused as can the Officer-in-Charge. Justices and Judges have even more explicit powers of release, and are compelled to release an individual without conditions except in cases where the prosecutor can justify more onerous terms of release or else "show cause" for detention. In cases involving offenses punishable by death, treason, airplane hijackings or non-capital murder, the onus is reversed and the accused must show cause why release is justified. In situations where bail has been denied, the accused may apply to a higher court for bail review.

Whether the Crown or the accused has the onus to show why release should or should not occur, the Justice or Judge should be guided by two considerations only:

1. Are the proposed conditions of release the minimum necessary to ensure attendance in court?

2. If the proposed order is the minimum necessary to ensure attendance in court, is a more onerous order of release or an order of detention necessary in the public interest?

In making the decision, the Justice or Judge is not bound by strict rules applicable at trial but may consider any credible or trustworthy evidence. Conditions of release for an accused can include the requirement to report to a place designated by the court. This can be a police station, helping agency, or any officially recognized organization. It is usual for an accused given a condition of supervision to be referred specifically to a bail supervisor.

METHODOLOGY

Bail Supervision in Canada is operated on a formal basis in Canada's four Western provinces and in Ontario. The scope of the present study is limited to eight cities in Western Canada; Winnipeg, Regina, Saskatoon, Edmonton, Calgary, Victoria, Vancouver and Prince George. Although bail supervision is undertaken in other centres, resource constraints precluded a wider focus. It was also decided that only major programs in each city would be studied . As a major program review of Ontario Bail Verification and Supervision Projects had recently been completed, the decision was made not to conduct field work in that province.

The present study benefited from the research work undertaken earlier in Ontario. Based upon the Ontario experience, a representative from the Ontario Ministry of Correctional Services helped to define an achievable research design for the western provinces. Valuable help in establishing a methodology for the study was also given by members of the University of Victoria Law Faculty.

The purpose of the study was to broadly examine Bail Supervision Programs operating in the sample of eight cities. An attempt was made to describe the context in which programs operate, their history, and any current issues surrounding them. Basic data were collected to determine the demand for bail supervision services and to profile cases handled by the programs in each city. Data analysis was conducted with the aid of a micro-computer.

Most material employed in this study was gathered through site visits to the eight cities during the months of March, April and May, 1985. Where possible, the following agenda was followed in each location:

° Visit bail supervision offices.

° Visit remand centres and/or correctional centres holding remandees.

° Observe first-appearance bail hearings, show-cause hearings and bail review/appeal hearings.

° Meet with Judges and Justices.

° Meet with court administration staff.

° Meet representatives of Crown and Defence counsel.

° Meet with police.

Both interview notes and data collected from other sources were used in the analyses. Supplementary information relating to bail and bail supervision was gathered whenever possible and included in the analyses. Material included annual reports, research studies, program reviews, published books and pamphlets, information sheets and management information reports.

ONTARIO STUDY

The Ontario Ministry of Correctional Services had commissioned a study of bail verification and supervision programs in 1984. The study, entitled Study of Bail Verification and Supervision Projects in Ontario, focused on the following:

° History and development of bail projects in Ontario, and present funding arrangements;

° Goals and objectives of the program and the extent to which they are met;

° Extent of need for services provided;

° Extent to which the services provided are social and/or legal;

° Identification of alternative methods for providing the service;

° Identification of alternative structures for funding and accountability.

There were twelve Bail Verification and Supervision Projects operating in Ontario in 1984. The main objective of the Ministry of Corrections in providing funding for these projects was to reduce overcrowding in remand facilities by offering supervision in the community to those accused who otherwise would not have been released from jail before their trial.

Bail Verification and Supervision was relatively new to Ontario, starting only in 1979 on a pilot basis in four centres. Since then, the Program has expanded significantly and in 1983/84, there were approximately 2,500 new intakes across Ontario and a total average caseload of about 950. Bail Verification and Supervision Projects in each city are run by private agencies on a contractual basis through the Ministry of Correctional Services.

The study's main findings can be summarized as follows:

° While variations in project objectives were found in the twelve cities studied, there was consistency in the service they delivered.

° While no substantive evidence was found to support the premise that Bail Verification and Supervision Projects have an impact on custodial remand populations, the general opinion of those interviewed was that the programs were lowering the jail population.

° The vast majority of actors in the criminal justice community (correctional managers, Judges, police, Justices, Defence and Crown) voiced the opinion that the program served a useful purpose.

° The Bail Verification and Supervision Projects provided a useful service to the court and provided many referrals to other service agencies in the communities.

° Projects operate on very limited budgets and often use facilities and support services of larger helping agencies with whom they are associated.

The intent in the foregoing research study was to address many of these same issues and determine whether bail verification and supervision programs in Western Canada could be similarly described.

ORGANIZATION OF THE REPORT

One chapter is devoted to each of the four Western provinces. Each contains a separate sub-section on the following: the organizational context of correctional services in that jurisdiction; the general history of program development; the relationship among bail programs and other criminal justice agencies; and, a profile of cases in the province under bail supervision. Presented in the same format, chapters also devote a major section to each city in the province that had been included in the study.

The concluding chapter contains comparative statistical information that: 1) describes the nature and extent of bail services in each city; and, 2) presents a profile of accused persons in each city who are under bail supervision. Basic aggregate data from the four Western provinces are then compared with data from the Ontario bail supervision study.

MANITOBA

ORGANIZATION STRUCTURE

In Manitoba, correctional services are provided by the Corrections Division, Department of Community Services. The Department as a whole is responsible for the delivery of social services in the province, and can be divided into four basic divisions:

1. Agency relations and residential care.
2. Economic security.
3. Rehabilitation, child and family services.
4. Corrections.

The Corrections Division is further divided into Institutional and Community Services. Bail supervision is administered and operated by the probation component of Community Services.

Responsibility for the police, criminal prosecution, and court services, rests with the Department of the Attorney General in Manitoba.

PROGRAM HISTORY

The concept of bail verification and supervision had an early introduction to Manitoba. In the late 1960's, the possibility of a judicial interim release program in Winnipeg was discussed and soon thereafter a fledgling bail program was operating in the city. The program ran on a somewhat informal basis for nearly 10 years. Relying on one staff member, volunteers, and some judicial support, acceptance of the concept gradually increased, and the caseload grew to exceed 100. The program never expanded beyond Winnipeg, and still operates only in that city.

In April 1982, the structure of the judicial interim release program in Winnipeg was dramatically altered. Program goals were made more explicit, and procedures were formally established. Four staff were introduced at this time to function as court liaison officers whose duties included the

supervision of bail cases. Two staff were located in the Public Safety Building, which houses First Appearance Court, while the other two were located at the provincial Court House. All court liaison staff were experienced probation officers responsible for assigning pre-sentence investigations and probation cases to the appropriate Winnipeg probation office, conducting criminal record searches for field offices, providing bail assessments for the court, and supervising accused on interim release.

Since the program was re-structured in 1982, one position has been removed from the staff complement as a result of restraint measures in the Corrections Service. Bail supervision caseload levels have risen from 125 in April 1982, to 280 in March 1985 - these numbers apply to adult bail supervision only. In Manitoba, pre-trial supervision has been provided for juveniles for the last three years and has been undertaken by volunteers.

The Court Liaison Officer can be requested by the Court to provide pertinent information related to the eligibility of the accused for pre-trial release. The bail assessment can be presented to the Court either in writing or orally, and deals with the current situation of the accused person. The assessment can include information on the following:

- Employment and educational circumstances.
- Stability of residence.
- Family responsibilities.
- Degree of control or influence available to keep accused law-abiding.
- Any other pertinent information or details.
- A recommendation including, if applicable, desired conditions.

In a case where the judge or magistrate orders supervision for a period of interim release, the individual is routinely interviewed prior to release from the remand centre or court cells. In the interview, the Court Liaison Officer takes relevant information from the accused, informs them of reporting procedures, and schedules the next reporting date. As well, the officer takes time to review the conditions and restrictions of the order,

and ensures that the individual understands the consequences of failure to comply.

For the vast majority of cases, reporting is done weekly, in person, to the Court Liaison Officer. The Court Order will state this reporting requirement and identify the location in most cases. Frequent reporting - more than once per week - can be ordered as well as special reporting conditions (e.g., telephone reporting).

During the reporting interview, the Liaison Officer reminds the accused of the date, time and place of his or her next scheduled court hearing, and refers the individual to appropriate community resources where necessary. Each time the accused reports, an entry is made in the file of the accused, noting the time, date, and essential content of the interview. Officers are required to verify compliance with the release order where they think this is appropriate. This process may involve consulting with other people connected to the case, agencies with whom the accused is associated, or documentation related to the current situation and behavior of the accused. The date, source, and outcome of these consultations is recorded and made a part of the case record.

If an accused commits a minor violation of the release order, the Probation Officer cautions the accused and records the warning on file. Explanations are noted when they appear to be reasonable. If a serious violation occurs, or the accused fails to report, the Officer attempts to check with the accused and thereafter the defence counsel or any other appropriate concerned individual. Where specifically requested, the Judge or Crown are immediately advised of the accused's non-compliance. It is normal procedure, however, to report breaches to Crown in writing, within a 2 to 14 day period, depending upon the nature of the case and the conditions of reporting. Approximately one month after the breach report is submitted, the case is terminated, unless instructions from Crown or the court are received. The Crown tends to proceed with the charge of failure to comply under Section 133(3) of the Criminal Code, but often withdraw or stay the charge when the case goes to court.

A review of the program was initiated and undertaken by the Corrections Division. The final report, entitled Bail Process Review Project Report, was made available in January 1985. The content of the report deals with police arrest procedures, remand centre admissions, application of bail reform initiatives by Magistrates, Defence and Crown Counsel, roles in the bail process, and Queen's Bench Bail Reviews. The report recommends that:

- Police establish a more intensive pre-release strategy to lower the number of individuals detained at the Winnipeg Remand Centre.
- The Remand Centre establish more admission support and a verification procedure to gather information on an accused, to be used by magistrates or judges.
- Magistrates be located in suitable physical surroundings, and be freed of clerical duties.
- Defence Counsel be given any verification information or reports available on the accused at the time of first hearing.
- Crown be available on call 24 hours per day.
- A revamped bail verification program be established to provide detailed background information on accused where requested by the court.
- Establish procedures that would have the majority of cases heard before a magistrate with limited jurisdiction.

The Bail Process Review Project Report put forward proposals that would, in its authors' opinion, provide better information for magistrates and judges to decide quickly upon interim release and improve the present Bail Supervison Program. The proposals call for a proactive verification program to provide information on accused at all court hearings involving bail application, review, or appeal. The new Program is envisioned as being actively involved in securing community support for the accused thereby increasing chances of pre-trial release. The current Bail Supervision Program would be enhanced under this plan to provide services in all centres where remand inmates are housed, provide a wider array of programming resources, and focus supervision on those accused who require intensive monitoring.

Another report, entitled Presumed Innocent? A Report On Pre-trial Detention in Manitoba, was released in March 1982 by the John Howard and Elizabeth Fry Society of Manitoba, and made no fewer than 41 recommendations related to improving the court process and pre-trial detention of accused persons in Winnipeg. Virtually all recommendations agree with those put forward in the Bail Process Review Project.

JUSTICE SYSTEM CONTEXT

As stated earlier, the Corrections Division is part of the Department of Community Services, while the Department of Attorney General looks after court services and processing. The Winnipeg City Police are an independent municipal force, although they are responsible to the Provincial Attorney General in regard to application of the law.

The Winnipeg City Police have no lock-up facilities, and use the Winnipeg Remand Centre for those individuals they decide to detain for court appearance. In the past, police release practices have been the subject of discussion and investigation. In September 1984, the Chief Judge of the Provincial Court wrote to Magistrates and police officers, reminding them of their powers to release individuals. Although it is generally felt that there has been an improvement in police release procedures in recent months, the number of people detained at the Winnipeg Remand Centre is still seen as being too high. New strategies are being explored to alleviate this situation.

Limited Jurisdiction Magistrates are available on evenings, weekends, and on an on-call basis. These individuals hear bail applications and sign the Undertakings and Recognizance Orders permitting interim release. Continuing education of this group through study sessions and seminars as well as careful screening has ensured that the magistrates are familiar with all aspects of the Bail Reform Act, and their duties and powers under Section 454 of the Criminal Code. Crown are not available evenings or weekends and during these periods senior police staff fulfill the role of Crown.

Correctional staff at the Winnipeg Remand Centre admit all accused arrested and detained by the police. Of the 6,174 individuals released from the Centre in 1984 on bail or their own recognizance, 88% left within one to three days of admission, and 94% left within one week.

MANITOBA BAIL SUPERVISION CASE PROFILE

The following information is based upon 52 bail supervision files. While not put forward as statistically representative, the information does provide some interesting information:

- The average age of clients supervised was 28, with a range from 18 to 72 years.
- Eighty-seven percent of the sample was male; 13% female.
- Unemployed people outnumbered employed people by more than 3.5 to one.
- The average length of supervision was 154 days, with a minimum of seven and a maximum of 756 days.
- Ninety-two percent of cases supervised were charged with person, property or drug offences; 42% were charged with crimes against the person.
- Forty-eight percent of cases supervised received a disposition of fine, probation, or jail; 21% went to jail.
- Thirty-one percent of all cases in the sample were breached sometime during their period of supervision.[1]

1) In discussions with provincial representatives, it was felt that this figure was significantly higher than the breach rate normally experienced by the program. A figure of 10% was seen as much more reflective of cases that end in breach proceedings. The definition of breach used in the present study may have contributed to this discrepancy.

WINNIPEG

CONTEXT

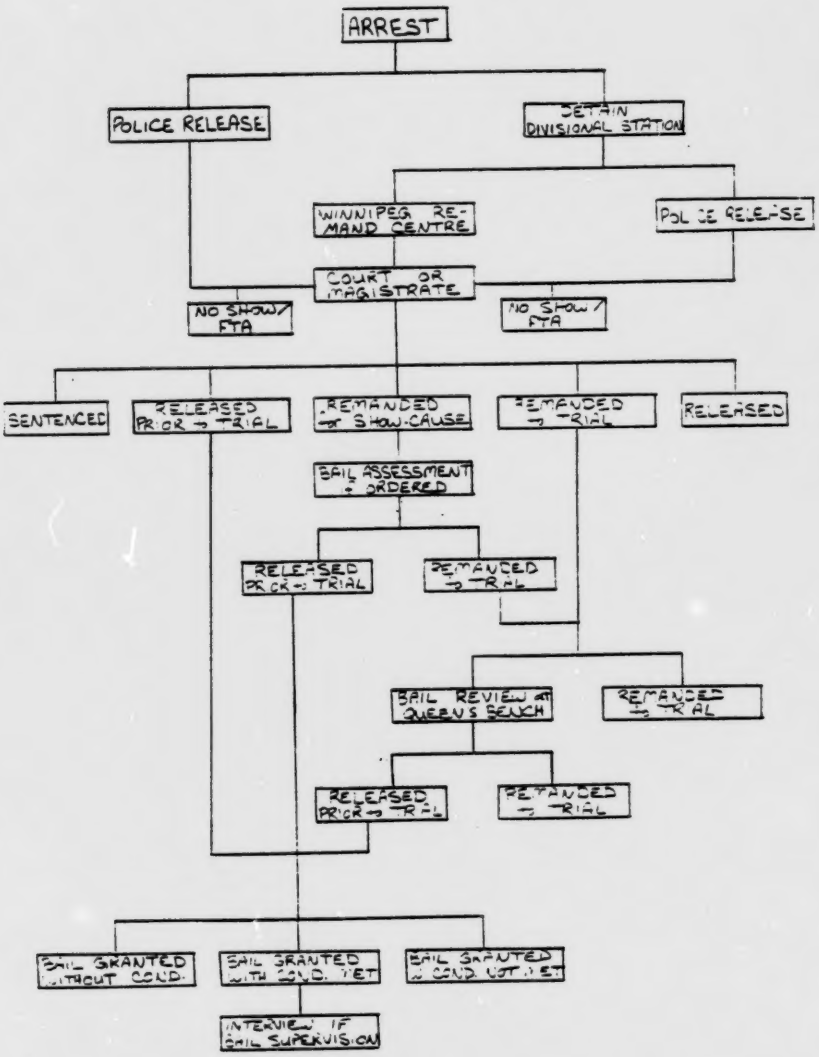
The Winnipeg Remand Centre is located in the heart of downtown, within the Public Safety Building. The Public Safety Building also houses the Winnipeg City Police, Crown Counsel offices, Court Administration, Magistrates, Judges, and First-Appearance Courts. The Remand Centre is connected to the rest of the building by a separate "back door" elevator service. The Winnipeg Remand Centre provides living accommodation for adult men and women who have been arrested and are awaiting trial, and who have been detained for further court appearances. Immigration hold, Federal Appeal, and various categories of sentenced offenders also can be found in the Centre on any given day.

The Remand Centre was originally designed and constructed as a police lock-up to hold approximately 60 individuals. The Police Department ran the facility as a lock-up until 1977. On October 1st, 1977 the Corrections Service assumed responsibility for operation of the Centre as a remand facility with minimal structural changes to the physical plant. The average daily population of the Centre has appeared to remain fairly constant between 1981 and the present - at a level of approximately 120 to 130. Peak population levels have been known to be as high as 170. The Centre handled 18,711 moves in 1983 (including intra-Correctional Centre transfers), or over 50 per each day of the year. Discharges from the institution numbered 9,996 in 1984, of which 7,743 (77%) were the result of Own Recognizance and Bail Release Orders. In early May, the Centre's population stood at approximately 145.

There is only one route into the Winnipeg Remand Centre, and that is through detention under authority of the police. Thereafter, an accused may remain on remand status if he or she is denied bail or has a show cause hearing ordered by a magistrate or judge, or is granted bail by a magistrate or judge and is unable to meet its conditions.

FIGURE 1

The Pre-Trial Decision Making Process: Winnipeg



Headingly Correctional Centre, about 20 minutes outside of Winnipeg, also provides accommodation for individuals on remand status. Between 15 to 25% of the 400 beds in the facility are devoted to remand inmates, depending upon remand population levels in the provincial system - usually long-term remand cases are admitted. Remand inmates at Headingly are, for the most part, segregated from sentenced offenders.

JUDICIAL INTERIM RELEASE PROGRAM

As Winnipeg is the only city in Manitoba offering the Judicial Interim Release Program, all information contained under the "History" heading of the preceding section applies to this discussion. Rather than re-introduce the same material here, new material on the specific workings of the program in Winnipeg will be put forward.

Bail assessment requests are made by judges, but on a very infrequent basis. It is estimated that approximately 5 to 10 assessments are made a month, compared with an estimated 515 Bail Orders prepared each month in Winnipeg. Staff are kept extremely busy supervising over 260 cases and providing scheduling and information services to field offices. It would appear that requests for additional bail assessment reports would severely stretch current staff resources.

The three staff members delivering the program come from field probation offices and are only seconded to the positions of Court Liaison Officer for a period of three years. The Public Safety Building office is by far the busier of the two locations, with approximately 75% of all caseload and intake. The Liaison Officer at the Provincial Court Building tends to deal with slightly more intense supervision cases, usually resulting from federal drug cases and Queen's Bench Reviews. This worker must also cover two court locations, and the office at the Provincial Court House is frequently locked.

When an accused receives supervision as a condition of release, the Judicial Interim Release worker interviews the individual prior to release

to take relevant information and arrange a reporting schedule. Information taken in the interview is mostly to complete the header of the file sheet for the accused. The Court Liaison Officer ensures that the person understands the order and its conditions, and gives them a business card upon which is noted the address of the reporting location, and the time/date of the first reporting appointment. Interviews are often conducted in court cells, but the majority occur in the Winnipeg Remand Centre. A practical aspect to the post-release interview is that the Undertakings and Recognizance orders in Winnipeg do not note the address or birthdate of the accused. As such, if an accused does not report, it is extremely difficult to track him or her down. Infrequently, the accused is released prior to the interview and, in the majority of cases, turns up at the reporting office the same day.

Supervision of the accused while on the Judicial Interim Release Program entails in-person reporting and verification of compliance. The reporting times are 9:00 till noon, Monday to Friday, and 7:00 to 9:00 p.m. one night per week. At the Public Safety Building, two Liaison Officers can ensure that the individuals report and are seen in person. At the Provincial Court office only one officer is available, and accused often report by leaving notes, as the worker must attend court, gather information out of the office, and conduct pre-release interviews.

In 1984, approximately 50 new intakes per month went on to bail supervision (which represents approximately 10% of the estimated 515 bail orders processed). The caseload in 1984 averaged approximately 230, up 160% from the 1982 levels.

JUSTICE SYSTEM CONTEXT

Police in Winnipeg have 6 detachments, each with extremely limited holding cell capacity. Interview rooms have been partially secured to hold arrested individuals prior to the decision of whether or not to lay charges. If the arresting officer does not feel that release of the accused is warranted, he or she is brought in to the detachment office for

review by the Officer-in-Charge. A decision to delegate Officer-in-Charge review authority to the divisional level was made by police administration in 1981. If the senior duty officer agrees with the arresting officer that the accused should not be released, charges are prepared, and the accused is admitted to the Winnipeg Remand Centre.

Once admitted to the Remand Centre, the accused must appear before a Limited Jurisdiction Magistrate or Judge in order to obtain pre-trial release. These hearings result in the granting of bail, the ordering of show-cause hearings, or the denial of bail. Magistrates are on duty evenings and weekends, and deal with many bail applications. Although not frequent, Magistrates do release accused with conditions of release including community supervision. If an individual does not appear before a Magistrate, they appear in Docket Court the morning following their arrest. Judicial interim release is usually done through an Undertaking, and on the accused's Own Recognizance, however, approximately 25% of all releases appear to occur through Orders of Recognizance, with or without conditions of cash or surety securities.

At the time of study, the Superior Courts of Manitoba were in the process of moving into new temporary quarters adjacent to the old courthouse, while the historic building was being renovated. By October 1987, the Superior Courts will be re-established in the refurbished facility and the Provincial Courts and First Appearance Courts will be amalgamated into the new facility. Hence, all court levels will be in the same location. It is a priority of the Department of Community Services to replace the Winnipeg Remand Centre with a new building across the street from the amalgamated court complex. Design and detailed planning of the new facility is underway, as it is generally agreed that a new facility is urgently required to replace the overcrowded Winnipeg Remand Centre.

The working relationship between the Liaison Officers and the rest of the justice system community in Winnipeg is co-operative and friendly. The Officers seem literally a part of the "Court Team", and share space with Judges/Magistrates, Crown Counsel, Defence Counsel, Court Administration

personnel, and police. In the Public Safety Building, a common coffee canteen is shared by all of the above-mentioned groups and here it is easy to see why there is such a familiarity between them.

WINNIPEG BAIL SUPERVISION CASE PROFILE

As the only Judicial Interim Release Program in Manitoba operates in Winnipeg, please refer to the description of the "Manitoba Bail Supervision Case Profile" in the previous section.

SASKATCHEWAN

ORGANIZATION STRUCTURE

The Saskatchewan Bail Verification and Supervision Program is administered by the Corrections Division, Saskatchewan Department of Justice. The Department of Justice was established on May 1, 1983 and incorporated the former Attorney General's Department, the Provincial Corrections Service (which had previously been located in the Department of Social Services), and the Constitutional Affairs function (of the former Department of Inter-Governmental Affairs). Saskatchewan Justice is responsible, among other things, for provincial policing (through a contract with the R.C.M.P.), the provision of Court Support Services, the prosecution of offences, and the Provincial Corrections System.

The Corrections Division is responsible for the administration of the province's adult correctional service and is divided into two operational systems; the Community Operations Branch and the Institutional Operations Branch.

PROGRAM HISTORY

The Bail Program in Saskatchewan began in 1981 as one of four new program initiatives proposed as an alternative to incarceration. A program format was established by Corrections Management, following a study of bail programs in other jurisdictions. Meetings were held, criteria established, procedures documented and forms developed, and in January, 1982 culminated in a pilot project in Saskatoon entitled "Saskatchewan Bail Verification and Supervision Program".

The pilot project's goals were stated as follows: "[T]o ensure that those individuals not requiring secure custody be released to the community while awaiting trial. The objectives of the program were to divert accused individuals from secure custody at the pre-trial stage of the criminal justice process and to ensure that those individuals released under supervision comply with the conditions of their release and appear in court as required."

Before the end of its first year of operation the pilot bail program was subjected to an extensive program evaluation. The evaluation found that the bail verification and supervision program had been a success in Saskatoon, on both a subjective and analytical basis. The program was evaluated on the achievement of its objectives using a rigorous evaluation methodology whose results measurably demonstrated, among other things, the program's effect on pre-trial population levels.

The evaluation report contained data which showed that the FTA rate of the first 90 cases supervised was 7.8% and that the interim crime rate was 4.4%. The report did note, however, that the violation rate of the cases supervised during the study (total of 90) was 56% and that the proportion of cases receiving bail cancellations was 31%.

The Bail Verification and Supervision Program was established as a permanent offering of the Corrections Division by the end of 1982. Early in 1983 the program was expanded to Regina and Prince Albert. The Saskatchewan Bail Program's verification component is the heart of this provincial program. After a show cause hearing has been ordered for an accused, the Judge can request that a Bail Verification Report be undertaken. A bail worker is often in court to speak to the verification request and if not, is contacted by court administration, Defence or Crown Counsel and informed of the request. The worker assembles information available from the Crown's office and can gather detailed police information from the local police information sheet, if required. The Bail Officer then begins to assemble information to complete the extensive verification report - usually starting with an interview of the accused. The time period allotted to complete the Verification Report is normally two to three days but can be finished in one day in special cases.

The interview can take place in the court cells but for the most part is held at the Provincial Correctional Centre. The accused is advised of the right to refuse to offer information to the Bail Officer and signs a document consenting to the verification investigation. Before the interview proceeds, the individual is warned not to discuss specific

details of the current offence with the officer. Information obtained in the interview is used as the basis of the Verification Report. With the interview information, the Bail Verification and Supervision Officer can proceed to check out names of sureties, residential address, employment status, and other relevant factors. The social services data base is checked for an individual's background related to social assistance payments, social worker name, etc. Also, health records and criminal records from other cities and provinces can be accessed.

A complete verification report contains the following information and material:

- Descriptive information about the individual and the case;
- Criminal record information available on the accused;
- Assessment of monthly income and listing of sureties;
- Information related to residence of the accused;
- Information related to employment/training of the accused;
- Information related to the health of the accused;
- Evaluation of the individual's suitability for supervision;
- Recommendation on whether pre-trial release should be granted, and appropriate conditions of release.

If the police wish, or if requested by the Bail Officer, the police can attach an assessment of the case to the Verification Report, but this is done only in a few cases.

The reports are hand written and distributed to Crown, Defence, the accused and the Judge before or during the show cause hearing. The content and recommendations in the report are generally accepted by the Judge. In the vast majority of cases (approximately 90%) the recommendation for release or denial of release is accepted. In those cases where supervision is ordered, the back of the report which lists recommended conditions for supervision is usually photocopied and stapled onto the undertaking or recognizance.

Of 565 verification requests given to Bail Verification and Supervision Officers in Saskatchewan in 1984/85, 36% resulted in a recommendation of release with supervision, 8% contained a recommendation of release without supervision, and 34% suggested denial of bail. Eight percent of 565 referrals did not consent to an investigation and 14% pleaded guilty to charges at the bail hearing.

When an accused is ordered released with supervision, he or she must immediately report to the office named on the order. Information on the accused is put on the form along with a copy of the release conditions and sent to the Police for entry onto the CPIC information system. When supervision is terminated, the case is removed from the system. Reporting is done in person at least once per week and it is not uncommon for some cases to report three times a week or more. There is a standard set of conditions for individuals released to supervision but these can be varied or added to by the judge. Conditions are explicit and can contain such items as curfew times and a ban on the consumption of alcoholic beverages. Most cases have a stipulation which prohibits travel outside of a forty kilometre radius from the city without the express written consent of the bail supervisor.

Each time the accused reports, he or she is asked about their specific compliance with each of the bail order's conditions and these responses are recorded on the case file report form. A running log is also kept, listing reporting dates and notes related to the case. Each time the accused reports, the Bail Verification and Supervision Officer provides a slip of paper noting the date and time of the next reporting appointment and the next scheduled court date.

Staff of the Bail Verification and Supervision Program conduct sporadic checks on all cases to keep tabs on residency changes, behaviour problems and curfew violations. The accused is informed of this procedure at the time of the verification interview. Night checks usually start around 9:00 pm and take two to three hours to complete. The checks take place one to three times a month on a random basis and involve talking to the accused

if they are home or, if they are not home, investigating to determine whether they are still living there.

In situations where violations of release conditions occur, the Bail Verification and Supervision Officer has no discretion in reporting the violation. All violations are reported to the public prosecutor's office, with a copy going to the police. The form allows the Bail Verification and Supervision Officer to recommend action or non-action on the violation, with the final decision, of course, resting with the Crown. If Crown does proceed, it is by way of an additional charge under Section 133 (3). In the case of a serious violation, the bail officer can go directly to police who will immediately issue a warrant for the accused's arrest.

One problem has faced the program since its inception and that involves those cases where a Judge places a person directly onto bail supervision without requesting a verification report. It is felt that this practice undermines the intent of the Bail Verification and Supervision Program, as it means that the officer does not have a chance to evaluate the accused or have the opportunity to verify release data. As well, the accused at first appearance court could be given bail supervision if direct placement were allowed, contravening the program's principle to only become involved after the show cause is ordered. Program staff feel that only by constant reiteration of the program's principles and by liaising with Crown, Defence, and Judges at both the Provincial and Queen's Bench Court level, can control of the intake be maintained. There is an attempt to contact the Judge in each case where an accused has been placed on bail supervision without a verification report.

JUSTICE SYSTEM CONTEXT

Police in both Regina and Saskatoon run their own lock-up facilities and therefore the Provincial Correctional System only deals with cases remanded after the first court appearance. Police use their powers of release including the Officer-in-Charge Recognizance. Justices of the Peace are on call after hours and on weekends to ensure that the 24 hour principle is followed.

There is a morning and afternoon sitting of first appearance court in Regina and Saskatoon. Most pre-trial releases are own recognizance although cash bail and conditional releases are common. Queen's Bench Bail Review/Appeals are not common as defence counsel have, in the past, found the court unwilling to overturn the lower court's decision. Recently, however, there has been an increase in the number of bail reviews/appeals, and in the number of court decisions overturned.

SASKATCHEWAN BAIL SUPERVISION CASE PROFILE

Information from a sample of 50 supervision files from both Saskatoon and Regina were used to compute the following profile of cases. The numbers are not put forward as being statistically representative, however, they do provide some interesting observations:

- There is a large age spread (16 to 56) of supervision cases with an average age of 24.
- While males are clearly the majority, 28% of the cases were female.
- One-half of the caseload in Saskatchewan is native.
- A wide range of days supervised is shown (10 to 456) with the average being 129.
- 36% of all offences in the sample were against the person (as opposed to 25% for the Provincial Correctional System in 1983/84); 86% of sample cases were charged with person, property, or drug offences (as opposed to 54% for the Provincial Correctional System in 1983/84).
- 36% of all those supervised ended up with an outcome of fine, probation, or jail; 28% had dispositions of jail.
- 44% of all cases breached recognizance sometime during their supervision (not all of these cases would have been removed from supervision).

REGINA/SASKATOON

CONTEXT

The Regina Correctional Centre is located just outside of town on a site that is dated by the rows of large trees lining the entrance road. The facility accommodates up to 425 inmates - this includes the use of units outside the main jail. In late April, the count was around the 400 level, a slight drop from the peak population count of a month earlier.

The Saskatoon Correctional Centre is located in an industrial area, approximately a 10 minute drive from downtown. The facility is a blend of living units, dormatories and cell-blocks. Although the facility has a rated capacity of only 130, in the spring of 1985 the prison's population was consistently around the 200 level. Two special units hold a total of 26 remand and remand/sentenced cases and because of overcrowding, an additional 15 to 20 remand and remand/sentenced cases are held in general population units at all times.

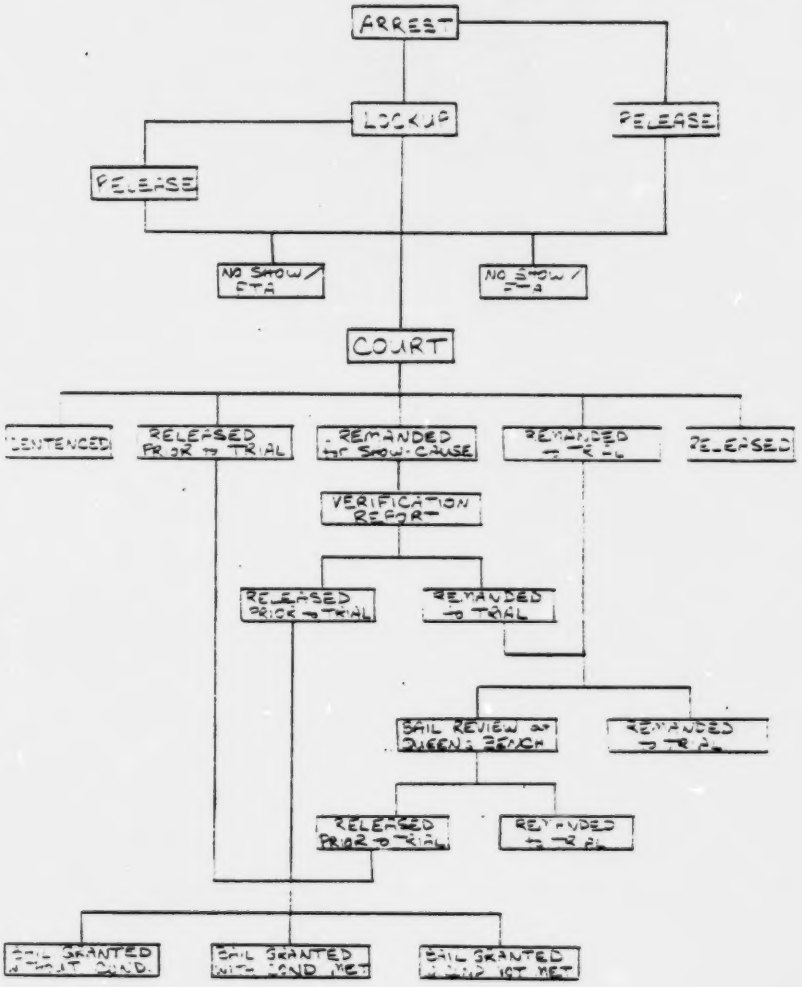
Both the Regina and Saskatoon Remand Centres hold provincially sentenced offenders, persons remanded in custody after first court appearance, detainees under immigration hold, and federal prisoners held during their 30-day appeal period. The Saskatoon Correctional Centre also provides a special unit for handling young offenders remanded prior to trial.

Special police staff of both the R.C.M.P. and city police forces undertake all movements of prisoners to and from court and the correctional centres in the two cities. There are two routes for an accused to be placed on remand status in either the Saskatoon or Regina Correctional Centre :

1) Be brought before a judge/magistrate, and have bail denied, or show cause ordered.

FIGURE 2

The Pre-Trial Decision Making Process: Regina and Saskatoon



2) Be brought before a judge/magistrate and have bail granted, but be unable to meet the conditions of the release order.

BAIL VERIFICATION AND SUPERVISION PROGRAM

The Bail Verification and Supervision Program began operation in Saskatoon in January 1982, and in Regina and Prince Albert in early 1983. The program was staffed from the start with two full-time employees in both Saskatoon and Regina, and with one Bail Officer in Prince Albert. Although the Bail Verification and Supervision Program is administered by the Community Operations Section of the Corrections Division, one of the staff was recruited from the community system and the other from the correctional system in both cities. This blend of staff was a conscious decision that was taken to provide a balance and a wider range of experience from which the program would benefit.

The verification component of the program begins to function when the court requests that a Bail Verification and Supervision Report be completed on the accused for whom a show cause hearing has been ordered. In Saskatoon, a staff member is usually in court between the hours of 10:30 and 12:00 noon when the majority of persons detained in custody are heard. The Bail Officer can thereby speak to the Program's Services if required, and can also determine immediately the cases where a report is to be completed. In Regina, the operation of two provincial court levels makes the routine attendance in court of the Bail Officer impossible. Regina currently has a provincial court devoted to those cases arising from City Police arrests, and another provincial court arising from rural R.C.M.P. arrests. In the very near future, the two courts will be amalgamated, thereby making it more tenable for a Bail Officer to attend court on a regular basis.

Once a report is requested, the Bail Officer gathers any material on the accused that is readily available (Crown and Police material) and arranges a time with the Correctional Centre when an interview with the accused can take place. The interview is held in the Admissions/Discharge area of the Centre, and takes about one-half hour. The accused is asked to sign a consent form before the interview proceeds, and is warned not to speak

specifically about the outstanding charges against them. The interview provides information that must be checked out and verified. The total time necessary to complete an investigation varies between four to eight hours. Once all information has been gathered, the Bail Supervision and Verification Report is filled in by hand. Copies of the report are distributed to the Crown, the Judge, Defence, and the accused at the show cause hearing.

In 1984/85, Saskatoon courts requested 270 Bail Supervision and Verification Reports, resulting in the release of 108 people onto bail supervision, and 28 people without supervision. People denied release numbered 86, 22 individuals refused to allow an investigation, and 26 pleaded guilty at the bail hearing. In Regina, during 1984/85, 99 reports were requested, resulting in 46 people being released with supervision, and eight without supervision. Those denied release in Regina numbered 27, five did not consent to investigation, and 13 pleaded guilty at the Bail Hearing.

Of the 180 to 200 Bail Orders prepared in Saskatoon each month, about ten, or five percent, have a condition of bail supervision. In Regina, of the 180 to 220 Bail Orders prepared each month, about six, or three percent, have a condition of supervision.

Upon release, any accused with the condition of supervision on the Bail Order must immediately report to a Bail Officer located at the address noted on the Undertaking or Recognizance Order. In Regina and Saskatoon, both offices are in the downtown area, within walking distance to the courts. The Order usually stipulates a weekly or more frequent reporting requirement and the first meeting between the Bail Officer and accused focuses upon setting up a reporting schedule. The accused is given a slip of paper every time he or she reports, giving the date and time for the next appointment, and the date of the next scheduled court appearance. The accused is also reminded of all conditions of supervision, including the undertaking of night checks and the standard 40 km. radius around each city within which the individual is to remain unless special approval from a Bail Officer is obtained.

All violations are reported to Crown, although not all lead to additional charges or bail revocation. In some cases where the Bail Officer thinks it necessary, the violation information is taken directly to the police, and a warrant for their arrest is issued immediately.

The night check portion of the supervision occurs one to three times a month in Saskatoon, during week days only. In Regina, there is a move to increase the number of night verification checks. The purpose of the check is to verify residency, monitor behavior, and make sure that curfews are being kept. In Saskatoon, both staff members do the check, but are in different cars, and check different houses. The two carry 2-way radios and are in constant contact with a security firm. For safety reasons, at any one time only one of the officers is out of his vehicle to do a check.

In Regina, night checks work slightly different than they do in Saskatoon. Only one staff member, on an alternating basis, conducts the night checks and only half of the cases are scrutinized. In Regina, the Bail Officer uses a police radio during the night checks and calls are made to the police radio dispatcher before and after the Bail Officer goes into a residence.

Staff from Saskatoon, Regina, and Prince Albert are in communication with each other frequently and all take part in enhancements made to the program. If changes to the program or the program documentation are suggested by one centre, the proposal is discussed and, if accepted, is adopted by all centres.

JUSTICE SYSTEM CONTEXT

The police in Regina and Saskatoon operate their own lock-up facilities, both of which are of considerable size (approximately 50 to 60 capacity). The lock-ups hold people detained by the police prior to first appearance in court, females on remand or sentence status, and disorderly intoxicated persons. Justices of the Peace are available on call to the police after hours and on weekends.

Special units of the police provide escort and court security services at the present time. City Police are responsible for the movement of accused people from their lock-ups to the court, for the provision of security within the Provincial Court, and for the movement of prisoners from Provincial Court to the Correctional Centre.

R.C.M.P. are responsible for the movement of people from their rural stations to the courts, the provision of court security for the Queen's Bench and Appeal Court and the movement of prisoners from the Queen's Bench/Appeal Court, to the Correctional Centre. In Regina, two provincial level courts have operated until recently. One dealt with provincial court cases arising out of arrests from the City Police, the other from an arrest arising from R.C.M.P. detachments in outlying areas. In May, the two courts were amalgamated into one provincial court building in downtown Regina. The new court facility is providing court security and inmate escorts to and from the court and Correctional Centre with a newly-formed Sheriff's Service, staffed and administered by the Saskatchewan Department of Justice.

Police in both Regina and Saskatoon are favorably inclined to the Bail Verification and Supervision Program. Although not overly supportive of community programs in general, the police feel that the Program offers rigorous supervision and they seem confident that Bail Officers monitor accused within the community in a reasonable manner. Police satisfaction with the program in both cities is evident through sharing of information, joint meetings, and the operational support that is given.

Judges, Crown, and Defence are generally pleased with the information provided on the accused in the Verification Report. Judges and Crown indicated that they would like to see the report in every show cause case, but realize that this would be impossible due to staff shortages. Although in some cases Defence Counsel has found that the Verification Report can bring to light information on the accused that will not favorably support their client's case for interim release, they feel that for the most part

an impartial position is taken by the Bail Officer in completing the document.

In visiting the Correctional Centre in Regina and Saskatoon, it became obvious that the Bail Officers were well known to staff in each of the facilities. Perhaps because the Bail Verification and Supervision Officer interviews those cases where show cause has been ordered, institutional staff drew a direct connection between the program and the lowering of remand population numbers. In 1983/84, 35% of all remand admissions to the Saskatoon Correctional Centre were interviewed, while in Regina 11% were interviewed.

The difference in the percentage of remand cases interviewed can be partially explained. It was reported that in Regina, during the course of 1983/84, a judge sitting in Provincial Docket Court did not appreciate the manner in which the Crown Prosecutors were presenting their cases. As a result, many more people were released on bail without conditions, and fewer show cause hearings were held. This affected the Bail Verification and Supervision Program, as the number of requests for Verification Reports and the number of supervision cases dropped substantially from the previous year.

REGINA BAIL SUPERVISION CASE PROFILE

Based upon 22 bail supervision files from which information was gathered, cases were profiled on several important factors. The data are not purported to be statistically representative:

- The range in age was from 16 to 44, with an average age of 23.
- 68% of the cases were male, while 32% were female.
- Unemployed people outnumbered employed people by almost 2 to 1.
- 50% of the caseload was native.
- The average length of supervision on the program was 132 days, with a minimum supervision time of 10 days and a maximum of 456 days.

- 96% of all charges were person or property offences; 45% of the cases were for crimes against the person.

- 37% of all cases received a disposition at the end of supervision which involved a fine, probation or jail; 32% of all cases resulted in a jail term.

- 50% of all cases reviewed were breached sometime during their interim release.

SASKATOON BAIL SUPERVISION CASE PROFILE

The following analysis is based on information taken from 28 Bail Supervision files. The data should not be assumed to be statistically representative:

- The age range went from 16 to 56, with an average age of 26.

- 75% of the cases were male; 25% female.

- Unemployed accused outnumbered employed by over 2 to 1.

- 54% of the cases were non-native, while 46% were native.

- The average length of stay on the program was 127 days, with a minimum supervision time of 10 days, and a maximum supervision time of 372 days.

- 82% of all charges were for person, property, or drug offences; 29% were related to offences against the person.

- 36% of all cases had a disposition at the end of supervision which entailed a fine, probation or jail; 25% of the accused went to jail.

- 39% of the cases were breached sometime during supervision.

ALBERTA

ORGANIZATION STRUCTURE

In Alberta the Bail Verification and Supervision Program is administered by the Correctional Services Division, Department of the Solicitor General. The Department of the Solicitor General is responsible for the delivery of both institutional and community correctional services, provides certain regulatory and support services related to policing, undertakes motor vehicle registration and administration, and funds the Liquor Licensing Board. The Department of the Attorney General in the province administers court services. The main components of the Department of Attorney General are Criminal Justice, Civil Law, and Courts and Property Services.

PROGRAM HISTORY

A pre-trial release program operated in Calgary from 1977 out of the community service office. In mid-1979 the Bail Supervision Program was expanded to Edmonton. A complete Bail Verification and Supervision Program was implemented in Calgary in 1981. A report entitled Corrections Review, dated December 1979, indicates that there were approximately 54 cases on bail supervision in the fall of 1979. This number increased steadily over the following years (approximate numbers 1980-115; 1981-140; 1982-160; 1983-290; 1984-428).

Initially the Alberta program was focused towards screening all accused prisoners by way of a community investigation and to determine, among other things, their eligibility for the bail supervision component of the program. The investigations were completed by institutional staff attached to a pre-trial release unit. The focus on investigations was somewhat tempered by new procedural standards introduced in 1982 that made community investigations necessary only upon court request, or if an accused was directly placed on pre-trial release supervision.

The above report indicated that although the new program was functioning well, some problems were being experienced. In short, these problems were:

- Not enough time to screen all potential candidates.
- Inadequate information sharing between the institutional investigation unit, the community supervision office, and court clerks.
- Confusion as to where reporting should occur.
- Non-action by Crown on violation reports.

Since then, it appears that the second and third problems have been alleviated through the establishment of procedures with court administration staff and the judiciary.

Until 1982, all staff in the program were correctional service employees. Pre-release investigations were undertaken by institutional staff while supervision was undertaken by probation officers. In 1982, the steady increase in bail supervision cases, and also the results of research surveys which showed that 16% of the Edmonton Remand Centre was occupied by individuals unable to perfect bail, led correctional services to develop the Judicial Interim Release Assistance Program. The program began operation in Edmonton in July 1982 and was expanded to Calgary in the summer of 1984. The John Howard Society operates the Bail Assistance Program in both cities on a contracted basis to the Department of the Solicitor General. The Program reviews the circumstances of remanded prisoners where bail has been set. Priority is given to those cases where bail is set at $500.00 or less. The Bail Assistance Program fund was originally established by contributions from inmate welfare funds of several Alberta institutions. As more moneys were required to operate the program, loans were procured by the John Howard Society, and the Department of the Solicitor General agreed to pay the interest.

The bail assistance workers try to get all accused in the program to come up with at least a portion of the money necessary to perfect bail. It is estimated that in 30 to 40% of the cases, the bail assistance worker helped

the accused to perfect bail on their own or with the help of family and friends. As well, the bail workers will aid the accused in making an application to a superior court either to grant bail, or to amend bail conditions so that they can be met. At the present time there are approximately 90 accused being supervised by the John Howard Society in Calgary and Edmonton.

In 1978 only one full-time staff person was devoted to the bail program in Alberta. This number was increased to two in 1979, three in 1981, and to five by the end of 1983. There are seven full-time bail workers in the province at the present time. (Three are probation officers, and four work for the John Howard Society.) Additional manpower at the Calgary Remand Centre was until recently devoted to verification work, but an estimate of the staff resources used is not available.

JUSTICE SYSTEM CONTEXT

Police in both Calgary and Edmonton do not operate their own lock-up facilities but use the provincial remand centres for this purpose. In Alberta the processing of accused persons by the court is handled in a manner unique to the province. The majority of accused are first brought before a Hearing Officer who is located in or immediately adjacent to the police station in both Calgary and Edmonton. Hearing Officers are Justices of the Peace and they conduct judicial interim release hearings unless the accused is arrested during a time of the day which would enable them to appear in Provincial Docket Court. Hearing Officers in the police station are available about 14 hours per day with their busiest periods being between the hours of 4:00 pm to 2:00 am. They can set bail for an accused and remand the case for hearing in Provincial Court, or on request of Crown or Defence, can remand the case for a bail hearing in Provincial Court. Hearing Officers work under the auspices of the Department of Attorney General.

In Alberta, cash bail is used to a great extent by both Hearing Officers and Provincial Court Judges. Relatively, bail supervision appears to be

used rarely by Hearing Officers in either Edmonton or Calgary, or by Calgary's Provincial Court Judges.

ALBERTA BAIL SUPERVISION CASE PROFILE

Files of 101 accused persons who ended up on bail supervision were reviewed in order to get a flavour for the kind of case that has been dealt with in Alberta. Only files for provincially staffed programs were employed - files within the John Howard Society's Bail Assistance Program were not used.

While the results are not put forward as representative of bail supervision cases in Alberta, they do reveal several interesting factors:

- While there is a wide range in the age of the accused in the program (16 to 49), the majority are in their 20's (average 27).
- The vast majority (85%) of the accused were male.
- Unemployed persons outnumbered employed persons by 3.5 to 1.
- The average length of supervision was about six months (177 days), significantly up from the one and one half month average reported in the 1979 Corrections Review document.
- Approximately one third of all cases involved crimes against persons (34%) while only 6% of all cases admitted to the Edmonton and Calgary Remand Centers in 1983/84 involved this type of crime; 25% of all cases were non-person or property crimes, while 65% of all cases entering the remand centres were in this category.
- Over 50% of cases received a disposition of a fine, probation or jail; 30% of the sample went to jail.
- Almost one quarter of all cases were breached sometime during the reporting period.

EDMONTON

CONTEXT

The Edmonton Remand Centre is located on the fringe of Edmonton's downtown urban core. With a capacity of 590 beds, the seven story centre is one of the largest in Western Canada. Approximately 40 beds are devoted to female inmates and a 36 bed dormitory (with a 20 bed back-up) houses new arrests prior to their appearance in court. The remaining capacity of the centre holds males who are awaiting or are in the midst of their trial, are awaiting sentence, are under immigration hold, or are serving sentence. On April 16, 1985 the population of the centre was 325. It was reported that this count was lower than normal, though inmate numbers had declined markedly over the past 2 years.

There are three entry routes on to remand status at the Edmonton Remand Centre:

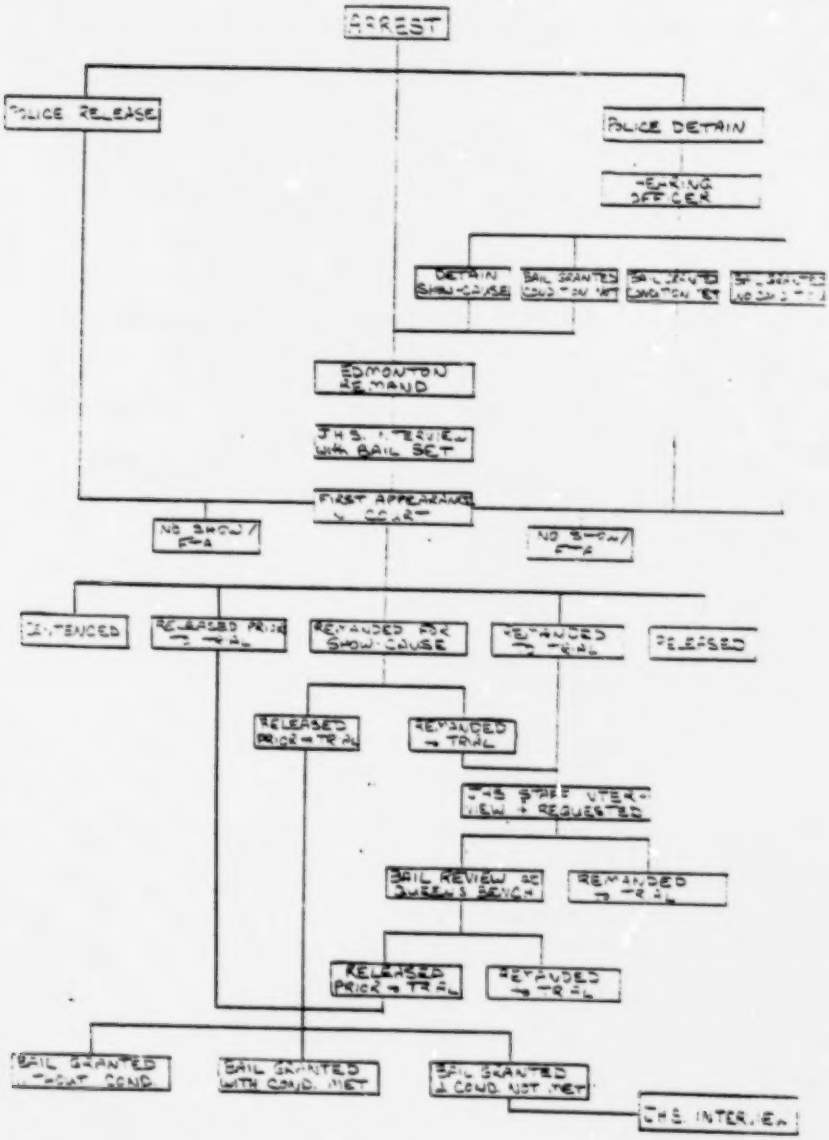
- Direct detainment by police at the Centre.
- Refused bail, or show cause hearing ordered when brought before a Hearing Officer/Judge.
- Granted bail when brought before a Hearing Officer/Judge but unable to perfect the order's condition(s).

In Edmonton the police operate a few holding cells but they do not have lock-up cells. Arrested people can be brought into the Remand Centre directly if there is a possibility that they will appear before a Judge that day. This generally means that between the hours of 6:00 am to 11:00 am the police can drop off arrests directly at the Centre. A tunnel connects the Remand Centre with both levels of court, the Hearing Office, and the city police.

The Hearing Officer located in a building near the police station reviews charges during those times of the day that the court is not in session. There are seven Hearing Officers employed in the city. As a group they cover magisterial duties when Judges are unavailable and sign all

FIGURE 3

The Pre-Trial Decision Making Process: Edmonton



undertakings and recognizance orders for all accused released on bail. They are available almost 24 hours a day, seven days per week.

The Hearing Officer, like the first appearance court Judge, can grant bail with or without conditions, deny bail, or if it is not to be held on that appearance, order a Show Cause Hearing at the request of Crown or the accused. When bail is denied, an accused may appeal to a higher court to review the circumstances of the case. When a Show Cause is ordered, the accused appears before the court for a review of information put forward by both defence and Crown Counsel.

When bail is set, and it is established that the accused can meet the conditions of the order, forms are typed up and forwarded to a Hearing Officer. The Hearing Officer takes the forms over to the Edmonton Remand Centre where the accused is awaiting release, goes over the content of the order with the accused, makes sure that the accused understands, and finally signs the order along with the accused. Since the early stages of the program, new procedures have streamlined the process and Remand Centre staff have noted an improvement in release service.

BAIL SUPERVISION PROGRAM

If one of the conditions of release is that the accused accept community supervision by a probation officer, the individual must report to the address noted on the release document in the time frame ordered. The recognizance order usually stipulates a weekly in-person reporting requirement, but more frequent reporting conditions or special reporting conditions are not uncommon. Court administration sends copies of the orders to the probation office to notify them that a new case has been put onto bail supervision. Frequently, the initial appearance of the accused precedes the copy of the bail order by several days.

The exact nature of supervision appears to be dependent on the characteristics of the individual case. If a person does not want help,

counselling, or simply to talk, their reporting is fairly brief and terse. If, however, the individual wants to participate more actively, staff appear willing to assist through counselling and referrals. Also, if an individual has a history of non-compliance, is charged with a serious offence, or appears to be in violation of his or her bail conditions, the supervisor takes a more active interest in monitoring the case.

Reporting consists of seeing or talking to the probation officer or, when both supervisors are tied up, to sign the dated log book (if the accused is known to secretarial staff). Each reporting date is entered onto the file of the accused along with any comments the Bail Supervisor wishes to note for that day. At the end of supervision, a termination report is completed and a summary is written regarding the accused's period of supervision.

There is no verification unit in the Edmonton Remand Centre, meaning that the Pre-Release Assessment Form is rarely completed. As a result, the Post Release Assessment Form (required to be filled out in cases where the pre-release form is not completed) places a heavy load on the supervision staff. As some cases stay on supervision for a few days only, it is impossible in all cases to complete all the information on the form.

When an accused person fails to comply with the conditions set down in the bail order, the probation officer usually warns the individual (if they can be contacted) before writing a violation report. If the accused fails to report within a reasonable time (maximum two weeks), or continues to disregard conditions of the order, a violation report is completed and forwarded to Crown. In most cases Crown will notify the Probation Officer if charges against the accused are going to proceed (usually a charge of failure to comply under Section 133 (3) of the Criminal Code).

In 1979, when bail supervision was first offered as a program in Edmonton, one probation officer was attached to the program. Within one year and a half, the caseload had reached levels in excess of 100 and another probation officer position was dedicated to bail supervision. In the winter of 1983/84, supervision cases topped the 200 plateau but over the

next year there was a slight decline in numbers to approximately 160. Of the approximately 950 bail orders prepared each month in Edmonton, about 55 or 5.8% end up on bail supervision. Approximately 75% of all cases come from Hearing Officers/Provincial Court, with the remaining 25% originating from Queen's Bench Review/Appeals.

JUDICIAL INTERIM RELEASE ASSISTANCE PROGRAM

The Correctional Services Division and the Edmonton John Howard Society established both the operating procedures and criteria of the Judicial Interim Release Assistance Program in a series of joint meetings in early 1982. Representatives from other justice system agencies were also part of the steering committee and offered input and advice on the proposed bail assistance program.

An internal study conducted in 1982 by the then overcrowded Edmonton Remand Centre indicated that on any given day, between 40 to 45 people had bail set but could not perfect conditions. The steering committee determined that these people could be released on bail if they had access to money and/or a place to stay. In July of 1982 the program began operation with one full-time worker, a five thousand dollar cash pool established through contributions from inmate welfare funds in several institutions, and the use of the Independence Apartment Bailhouse (a program of the John Howard Society), which was for individuals without a suitable residence.

Since the beginning of the program, John Howard Society's workers have been familiar faces to Edmonton Remand Centre staff. Each day a Bail Assistance staff member interviews accused who had bail set but remained in custody. This function used to be carried out by Solicitor General staff but is now done entirely by the John Howard Society. The first priority of the Bail Assistance worker is to help accused help themselves. If the accused cannot arrange to meet bail conditions (usually a cash or cash value requirement), the John Howard Society will undertake to act as depositor by covering a portion of the required bail money - to a maximum of $500.00. The accused is encouraged to provide 50% of the amount in order to increase

their commitment to the release plan and attend their trial on the specified court date. In some situations, 50% of the cash bail requirement is impossible to obtain from the accused, but in other situations as much as 80% of the total amount is provided by the individual.

When an accused has been refused bail or where the bail set is too high for them to perfect (and for the John Howard Society to cover), the bail assistance worker will produce a release plan with the accused that is presented at a Queen's Bench Bail Review/Appeal. Workers may attend these hearings and, if called, explain details of the program and the individual plan to the court.

Money for the Bail Assistance Fund was very tight during the first year and a half of operation and this restriction kept case numbers fairly low. In early 1984, a line of credit with a bank was established which removed much of this restriction. The extent of the loan totalled approximately $30,000 in April 1984. Interest on the loan is paid by the Solicitor General's Department. As a result of clients' failure to appear, the Edmonton John Howard Society has forfeited $4,500 through Court proceedings.

Supervision consists of personal meetings with the accused on a weekly or more frequent basis. Reporting is usually done within the John Howard Society offices in downtown Edmonton. The bail assistance worker monitors the compliance of the accused with the bail order and any other aspect of the release plan. The worker encourages the client to follow through on making positive changes, guided by the release plan.

When an individual has been released on a Court of Queen's Bench Order and violates a condition of his release, the John Howard Society bail assistance worker notifies the Senior Agent of the Attorney General's Department in writing so that appropriate action may be taken. Initially, Crown Counsel were somewhat reserved in the decision to prosecute offenders on the basis of information provided by John Howard Society workers because these workers are not 'officers of the Court'. However, problems have been resolved.

The Judicial Interim Release Assistance Program currently employs two full-time workers (the second being added in June of 1984) and supervises a caseload of approximately 50 in the community each month. There are about 20 new cases accepted per month out of 60, representing 2.1% of the total 950 bail orders issued in Edmonton per month.

EDMONTON BAIL SUPERVISION CASE PROFILE

While not representative of Edmonton's bail supervision caseload, the following information from 50 files in the Court Intake Community Office provides some interesting observations. The numbers presented do not apply to the Judicial Interim Release Assistance Program as files for that program were not examined:

- age range appears to be wide (16 to 49), while the majority of accused are in their 20's (average age was 28).
- the vast majority of the clients were male.
- unemployed people outnumbered employed people by 4.5 to 1.
- the range in days supervised went from 8 to 452, with an average supervision length of 150 days.
- 38% of all accused in the sample had been charged with personal offences, compared to 6% of the total Edmonton Remand Centre population in 1983/84.
- 90% of all accused in the sample were charged for personal, property, or drug related charges, as compared to 40% of the total Edmonton Remand population in 1983/84.
- 44% of all sample cases received a disposition for their offences; 22% of the total went to jail.
- 34% of the cases were breached sometime during supervision.

CALGARY

CONTEXT

In the centre of downtown Calgary, the province's Remand Centre houses accused persons awaiting trial. In addition, the Centre accommodates sentenced prisoners and persons detained by the police awaiting court appearance (some disorderly individuals who are impaired are also held). The facility is co-ed, providing approximately 210 male beds and 40 female beds. When the facility was toured (April 10, 1985), the count was hovering around the 340 level - 90 beds in excess of its 250 bed capacity. All new arrivals are admitted into the detention area. This area is a holding area on the fourth floor of the building in which the Remand Centre is located and is connected by elevators to the rest of the Centre, the police station, and the provincial courts. There are three ways in which a person accused of a crime can end up in the detention centre:

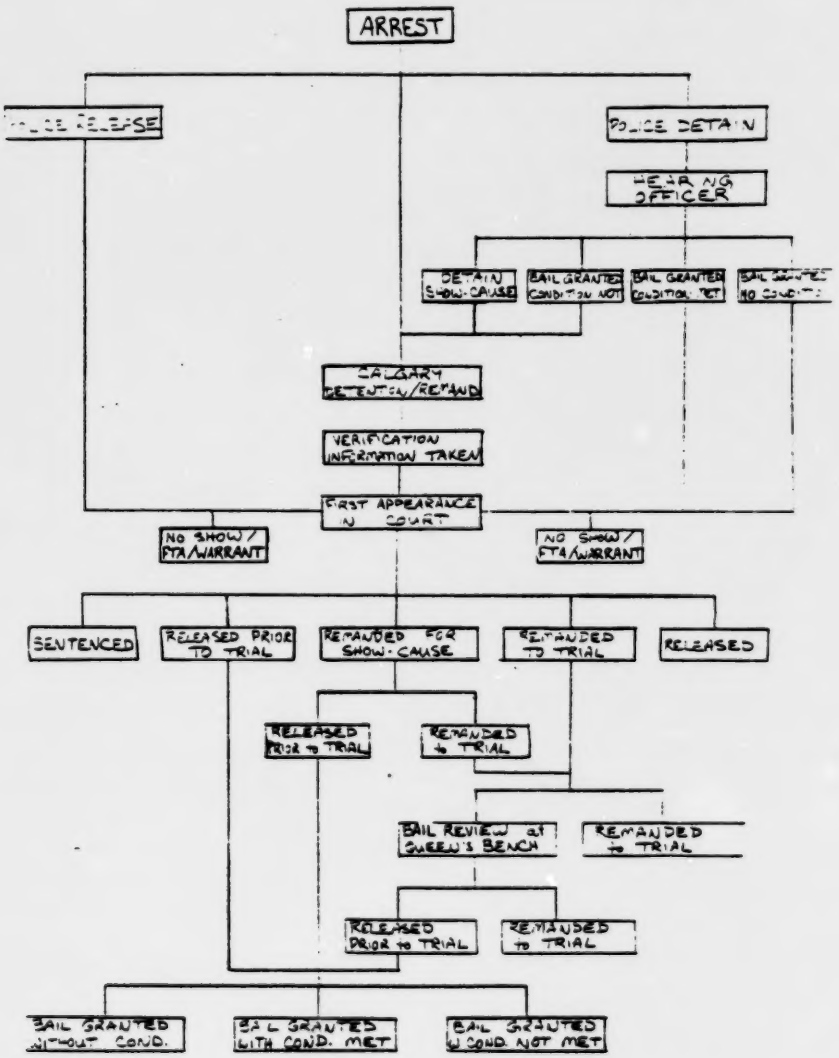
- Between certain limited hours (approximately 6 am to 11 am) police officers can escort an accused directly from the arrest scene to the detention area for appearance in court.
- The accused can appear before a Hearing Officer/Judge and be denied bail.
- The accused can appear before a Hearing Officer/Judge and be granted bail but be unable to meet the conditions specified on the order.

Police have no lock-up facilities in Calgary and therefore use the detention centre for this purpose. A Hearing Officer holds judicial interim release hearings in the special room of the police station. Hearing Officers are available in the police station from four in the afternoon till six the following morning, seven days a week. A complement of seven staff work in the Calgary area. Hearing officers also sign search warrants and sign the Orders of Recognizance and Undertakings necessary to release an individual on bail. The Calgary Remand Centre's detention area is a busy unit, as admissions and discharges are continually processed, accused are escorted to and from the courts, interviews with lawyers are conducted, and persons from various agencies such as the Salvation Army, Elizabeth Fry Society, and the John Howard Society gather information. Correctional Service employees also conduct interviews in the detention

area with accused, collecting information used by the courts to better determine the appropriateness of bail. All persons awaiting show

FIGURE 4

The Pre-Trial Decision Making Process: Calgary



cause are interviewed unless they raise an objection. In 1984 over 1400 reports were written. The reports are forwarded to Crown Counsel and Defence Counsel and contain information gathered in the interview and over the telephone. The report also contains a recommendation regarding the accused's potential candidacy for the bail supervision program.

A recently completed study of the Bail Verification Program (conducted by Terri Singer) indicates that the information contained within the verification report is consistently useful to Duty Counsel but of relatively little value to Judges and Crown. The prime factor cited in the study was the feeling by Judges and Crown that too little time was spent gathering and verifying information from the accused. In the past, a longer period of time was allowed to gather information and complete the verification report, but at present, staff often have no more than 10 or 15 minutes to gather and verify the information taken.

During the editing of this report it was learned that the Calgary Remand Centre had discontinued its verification service. This was because of the uncertain value of reports to Judges and Crown, and the need to utilize scarce staff resources more appropriately.

BAIL SUPERVISION PROGRAM

Until April 1, 1985 the Bail Supervision Program was run out of a fifth floor office in the Calgary Remand Centre building. All reporting was done to this office and telephone lines and secretarial support were provided by the Centre. The staff member responsible for supervision was seconded to the Centre from the probation division. All supervision orders noted that the accused had to report to the office immediately upon release or by a certain date. After April 1, 1985 the reporting office was changed to the community supervision office several blocks away from the Centre.

The staff member responsible for bail supervision did not move with the change in reporting locations. Instead, this individual stayed to work

with the fine option program offered by Correctional Services. A new probation officer has been assigned the duties of bail supervision.

Although the program location has changed, the program itself has remained unaltered. Accused report in person, usually once per week, to the bail supervisor - telephoning is allowed infrequently. Each reporting date is recorded and a notation made regarding the compliance of the accused and any concerns of the officer. When the case is terminated, a termination summary is written and placed on file. Interim summaries must be written every four months. Out-of-city travel and changes in address must also be approved and monitored by the supervisor.

If an accused fails to comply with the court order, a violation report may be submitted to Crown. Before the report is filed, an attempt is usually made to contact the accused to find out his or her situation. If there is a reasonable explanation for the non-compliance or if the accused begins to comply and demonstrates that she/he will likely comply in the future, a report is not submitted. Even after a violation report is forwarded to Crown, the accused may not be removed from the bail supervision program as Crown does not act on all breaches reported to them. When Crown does proceed, it usually does so by way of a new charge under Section 133 (3) of the Criminal Code.

In the past, most bail supervision cases originated from the Queen's Bench Court from Bail Review/Appeals, but this situation appears to be changing gradually. Calgary's Hearing Officers and Provincial Court Judges use simple Undertakings for people when releasing them on their own recognizance, and demand cash and/or surety security as a basis for release on a recognizance order. Of the approximately 248 admissions to bail supervision in Calgary in the past year, only about 20% or 50 cases came from the first appearance and show cause courts. The bail supervision caseload in Calgary grew from a reported level of 54 in 1979 to over 160 in the winter of 1983/84. By the spring of 1985, caseload numbers had leveled off to approximately 115 with a monthly intake of new cases ranging from 15 to 25. During editing it was learned that due to a redefinition of case

termination criteria, the average caseload in Calgary had dropped to approximately 95.

Of the approximately 250 to 300 bail orders prepared in provincial and Queen's Bench Courts in Calgary each month, about 20, or 7 to 8%, end up on bail supervision.

BAIL ASSISTANCE PROGRAM

The Bail Assistance Program, operated by the John Howard Society of Calgary under contract with the Corrections Services Division, originated less than a year ago. Staffed by two experienced justice system workers, the program has had few implementation problems. The focus of the program is to help accused help themselves to return to the community. There are three main groups upon which the program focuses:

- Individuals for whom the court has set bail and who can perfect bail conditions (by themselves, through people they know, or by establishing a fixed address, etc.).
- Individuals for whom the court has set cash bail of up to a $500.00 limit and who cannot perfect bail conditions (by themselves or through people they know).
- Individuals who have been denied bail and remanded until trial.

The Bail Assistance workers search admissions records of the Calgary Remand Centre for potential candidates. As well, accused held in custody can request an interview with a Bail Assistance worker. Following a meeting with the Bail Assistance worker, it was estimated that 30% of all cases dealt with were able meet the conditions of bail on their own.

The Bail Assistance Program provides funds to accused who have cash bail conditions which they cannot meet. An attempt is made to get the accused, or a surety known by the accused, to come up with at least half of the bail money. The workers can provide funds to cover the entire cash amount but this is rare and in most cases the accused provides at least a portion of the required funds.

In those cases that have merit, the Bail Assistance Program also helps the accused prepare for bail review/appeals . The supervision plan is prepared and presented by the accused or, more usually, his or her defence counsel.

The Program deals with approximately 75 cases per month, 15 of which are continuous supervision cases, 15 that are new intakes, 25 that are brief service contacts (helping to arrange bail, etc.), and 20 that are contacts with individuals that the program cannot accommodate. In early April the caseload of the program was 30 and continuing to increase.

Although no Bail Assistance Program case files were examined, it would appear that the average time on supervision is significantly lower in this program than in the Bail Supervision Program. The Bail Assistance Program counted 20 new admissions per month for a total caseload of 30, whereas the Bail Supervision Program counted 20 new admissions per month for a caseload of 95.

One difficulty in the program concerns those accused who fail to comply with his or her bail conditions. Crown has appeared reluctant in some cases to prosecute for breaches of the agreement between the accused and the John Howard Society. Charges for failure to comply with a recognizance order, under Section 133 (3), or cause for bail revocation under Section 458, can be difficult to prove in the best of circumstances. The Correction Services Division has recognized the problem and is attempting to work with the Society to improve the situation.

CALGARY BAIL SUPERVISION CASE PROFILE

While not statistically representative, a small sample of 51 Bail Supervision Program files revealed several noteworthy observations (the results do not include any cases from the John Howard Bail Assistance Program):

- The vast majority of cases are male.

- There was a wide range in age, with the majority of accused in their twenties.

- The unemployed out-number the employed by 3 to 1.

- The average length of supervision is 204 days with a vast range in the length of supervision (2 days minimum to nearly 2 years maximum).

- While only 13% of the total Calgary Remand population in 1983/84 were held for crimes against persons, 30% of the sample of Bail Supervision files were being charged with this type of offence.

- While only 47% of the Calgary Remand population was held for crimes against persons, property offences, or drug related offences, 90% of the sample were charged with these offences.

- 59% of this sample received a fine, probation order, or jail sentence as the outcome to their charge(s): 41% were sentenced to jail.

- One in seven cases were breached for violation of bail conditions. (According to statistics gathered within the bail program, only one in eleven cases contain a violation, and the actual number of court breaches is less.)

BRITISH COLUMBIA

ORGANIZATION STRUCTURE

In British Columbia, Correctional Services are provided by the Corrections Branch, Ministry of Attorney General. The Ministry of Attorney General provides other justice services through the Police Services Branch, the Criminal Justice Branch, and the Court Services Branch. The Ministry also provides legal services to government, planning and support services, and funding for several justice related boards and commissions.

The Corrections Branch is divided into four major delivery components: Adult Institutions; Youth Containment, Probation and Family Court Services; Community Services; and, Management Services. Bail Supervision is a program operated by the Probation and Community Services component of the Corrections Branch, and is staffed entirely by Probation Officers.

PROGRAM HISTORY

In 1973, the Task Force on Correctional Services and Facilities of the Attorney General's Department identified the need for the development of pre-trial services. The Task Force recommended that a community supervision program be implemented and that a hostel facility be constructed to provide a broader range of alternatives to Justices and Judges who are considering the interim release of an accused. On September 1st, 1974 the Vancouver Bail Supervision Pilot Project opened its doors for a trial period of one year. Funding of the Bail Supervision Pilot came from the provincial and federal governments by way of a Justice Development Commission Grant. The pilot project employed six full-time Bail Supervisors, a part-time Bail Supervisor to work weekends, two clerical support staff and two co-ordinators. A separate office for the project was provided one floor below the "Skid Row" probation office in the heart of old, downtown Vancouver. The offices were situated within three blocks of the new Provincial Courthouse (housing First Appearance Courts), Crown

Counsel offices, and the Vancouver City Police Central Station (housing the city lock-up).

The role of the Bail Supervisors was to supervise individuals sent by the Courts and to work toward three main objectives:

1. Ensure the return of the accused to Court, when required.
2. Monitor the behavior of the accused in an effort to prevent violation of Court Ordered Conditions or the commission of new criminal acts while awaiting trial.
3. Identify the needs of each supervision case, help to stabilize the individual in the community, and make referral to appropriate social agencies where necessary.

The nature of supervision was designed to be similar to that of probation, but involving more frequent contact, and with a greater emphasis on monitoring than on counselling.

The Bail Supervision Pilot Project also provided verification support to the Court. One, and sometimes two, Bail Supervisors were stationed at the Provincial Court during Remand/First Appearance Hearings. A great deal of effort went into this component of the Project to promote positive working relations with the Judiciary, Crown, Duty Counsel and Court Administration staff. The main flow of cases came to the Project by way of show cause bail hearings. Individuals released on bail supervision were immediately interviewed by the Bail Supervisor who was assigned to the case by the worker stationed in Court. Relevant offence circumstances were recorded for case management purposes.

The Corrections Branch was not the only group involved in exploring pre-trial services and bail programs in the mid-1970's. The Justice Development Commission Pre-trial Services Division conducted studies related to pre-trial release. The Division, whose director was a lawyer, also ran a three-month pilot entitled "The Autumn Project", which began operation on September 1st, 1974. The focus of the Autumn Project was to

study and enhance the "Front End" processing of cases during the pre-trial phase. The project team consisted of both day and evening court workers, institutionally based staff, research personnel, and co-ordinators. The project also resulted in a significant increase in duty counsel and the availability of duty counsel in suburban courts. The goals of the pilot were to help accused who were detained in lock-up to contact outside resources in order to increase the possibilities of release, to ensure that the accused had access to duty counsel, and to interview the accused prior to first appearance and provide verified information to duty counsel.

A final report on the Autumn project was produced in February 1975. While project data showed some degree of increased efficiency in the pre-trial processing of cases, the magnitude of change was limited. Many implementation problems that were experienced by the project could not be ironed out within the pilot period. Authors of the study concluded that a longer pilot period would have provided a better basis from which to conduct an operational review of the project. However, the project was never resurrected; soon after the release of the report, the Pre-trial Services Division was disbanded.

Police, very much interested in the subject of pre-trial release in the mid-1970's, undertook their own studies which also began in September 1974. Conducted by the Legal Research Section of the Co-ordinated Law Enforcement Unit, the report looked into problems associated with the Bail Reform Act, as identified by police officers. Concern seemed to focus around the potential of the Act to "hinder effective law enforcement action against organized crime". A report coming out of the CLEU study, dated May 1975, concluded that there was little evidence to show that the Bail Reform Act was causing the streets to be populated by dangerous criminals. The authors of the report state that the main determinants of the release of individuals who, in the police's opinion, should not have been released were poor administrative procedures, "weak" judges, and human error. Their report also stated that amendments to the Bail Reform Act scheduled to come into effect in 1976 would alleviate many of the concerns raised by police.

After nine months operation, Vancouver's Bail Supervision Pilot Project was the subject of an intensive operational review, undertaken by the Corrections Branch Planning and Development Research Section. The objective of the study was to evaluate the effectiveness of the pilot in ensuring an accused's compliance with the Release Order and also appearance upon their court date. Further, the study looked at subjective evaluations of the program by members of the Vancouver Justice Community and analyzed the project's implementation process. While data on the 284 cases completed from September 1st, 1974 to April 30th, 1975 failed to reveal any startling results, there was evidence that Judges and Crown were utilizing the program for fairly serious cases, and that for these cases, FTA and violation rates compared favorably to the general population of unsupervised cases. The Program was also shown to be useful to Court administration staff in identifying those cases that would most likely not appear for their scheduled court date, thus preventing needless and costly courtroom down time. The review further provided estimates of the savings which resulted from supervising the accused in the community as opposed to the more expensive alternative of incarceration. The cost-savings figures that were reported were substantial.

A significant finding of the Bail Supervision Pilot Project Operational Review was that the implementation of the program had been perceived by many to be a success. The pilot was favorably viewed by most individuals involved in the processing of pre-trial cases. Even judges who were hostile to the project at the time of its inception were reported as being supportive after only a few months operation.

A decision was made by the Corrections Branch to continue the Bail Supervision Pilot Project and project staff were eventually made full-time employees of the Branch. The concept of Bail Supervision grew in British Columbia, and the program expanded to Victoria in the fall of 1975, to Prince George in early 1978, and became a service offered to most courts in the province by the 1980's. Although the concept of the Bail Hostel was supported and several attempts were made to implement such a facility, a residential facility for the Bail Supervision Program never became a reality.

From a level of 116 provincial cases in June 1975, the Bail Supervision caseload grew to a monthly average of 960 in 1979/80, and to 1,582 by 1983/84. While more than half the 1983/84 total caseload was supervised in the Vancouver city area, Bail Supervision cases were handled throughout the province. In the spring of 1985, fifty of the approximately seventy adult Probation Offices in British Columbia had responsibility for Bail Supervision cases - though not examined in the present study, bail programs for juveniles can also be found throughout the province.

The Bail Supervision Program is governed by detailed operational procedures and standards. The program, as it exists today, is very similar in structure and content to the original pilot project, and is comprised of three basic components:

1. Pre-Bail Enquiry Reports - to assist the Court in decisions regarding judicial interim release.
2. Supervision of accused - to help ensure compliance with court ordered release conditions and attendance at court.
3. Referral of the accused - to agencies and resources as needed.

The Pre-Bail Enquiry is an investigation and report concerning an accused that can only be initiated at the request of the Court. The purpose of the Pre-Bail Enquiry is to advise the Court on alternatives to interim detention and the resources available, both within and outside the Corrections Branch, and to supply the Court with relevant information about the accused. The Pre-Bail Enquiry itself is based upon facts that can be substantiated, but the probation officer can offer an opinion. Both oral and written reports are permitted, but a summary of the oral report must be recorded, in writing. Where a charge against the accused concerns some form of assault or threatening behaviour against someone in a close relationship to the accused, attempts are made to contact the victim, and the views of the victim are taken into account.

In British Columbia, an individual must report in person to a probation officer by the reporting date indicated on the Recognizance Order, or

within three working days of perfecting the order. Considerable time and attention is given to the initial interview. First, the bail supervisor establishes through signature verification that the accused is the person that is signing the Recognizance Order. Next, the accused is read the order, the supervisor makes sure the accused understands the conditions, and finally, that the accused understands the consequences of non-compliance.

In the first meeting, the bail supervisor attempts to find out what the circumstances are and to provide information and/or referral assistance if the accused needs help. The supervisor ensures that the individual is aware of the time, date, and location of their next reporting interview, and records this in the case file.

In each reporting interview, the accused is reminded of their next reporting requirement, and at all times is kept aware of the time, date and place of the next court appearance.

In cases involving family violence, the supervisor attempts to contact the victim to make them aware of the conditions of the interim release and what action to take if the accused breaches the conditions. The supervisor is supposed to inform the victim that, if required, there are community resources available.

Within two weeks of entry onto bail supervision, the accused must have a formal supervision plan established and outlined in the case file. Review of the supervision plan can take place periodically, and the plan can be amended as required (within the scope of court ordered specifications).

In a case where an accused breaches the conditions of the Release Order, the probation officer must complete a series of steps prior to commencing enforcement action. The bail supervisor must report all instances of willful non-compliance to the Crown Counsel, and comment on the advisability and suitability of proceeding to revoke the order, issue a new order, vary the existing Recognizance, initiate a new charge under Section

133(3), or take no further action. In situations where reports are made to Crown, information related to the breach is placed on C.P.I.C., and victims of family violence are informed of the breaches.

Files kept on an accused contain personal information on the individual, copies of the Recognizance Order, police information where available, the notation of in-person reporting interviews, and other types of relevant data. Files are closed when the Court deletes the condition of supervision, or the case achieves a final outcome in Court. There is a strict requirement to keep Bail Supervision files separate from Probation files.

JUSTICE SYSTEM CONTEXT

In British Columbia, the police run their own lock-ups and in the larger centres of Vancouver, Victoria, and Prince George, these facilities are sizeable. It is reported that arresting officer and officer-in-charge releases occur on a consistent basis, and that Justices of the Peace are available to the police both during and outside of normal court administration hours. The Justices/Judges hearing bail applications give Own Recognizance Releases or Undertakings with conditions that can include bail supervision. Conditions of cash and surety bail are rare except in cases involving large quantities of drugs, conspiracy charges, sexual offences and serious property crimes, or when an accused is not normally a resident of British Columbia. Crown do not proceed with all violations committed by individuals on Judicial Interim Release. Crown representatives reported that they use discretion in laying new charges or revoking Orders, as staff resources are too scarce to proceed in every case. If the Crown does proceed, it is most often by way of a 458 Warrant, and by requesting a Revocation of Interim Release. New charges against an accused for failure to comply with the conditions of recognizance under Section 133(3) are not common. If new charges for violating conditions are laid, it would appear they are regularly stayed or withdrawn when the accused appears in court. This practice seems to be fairly common with FTA related charges as well.

The probation officer supervising bail cases has little or no contact with the provincial correctional institution or institutional staff. The contact that does occur seems to be cordial and co-operative.

BRITISH COLUMBIA BAIL SUPERVISION CASE PROFILE

The files of 136 Bail Supervision cases were looked at in Victoria, Vancouver and Prince George. The numbers and data collected from the files are to generally enhance the description of bail supervision in British Columbia, and are not presented as statistically representative.

- The age range of British Columbia cases was 17 to 69 with an average of 29.
- 82% of the cases were male while 18% were female.
- Unemployed people out-numbered employed people by almost 3 to 1.
- The average length of supervision was 142 days, with a large range of 1 to 854 days.
- 75% of all cases were charged with person, property or drug offences; 22% of all cases involved offences against the person.
- 56% of the 136 cases received a disposition involving a fine, probation order or jail; 20% went to jail, 25% to probation.
- 17% of all cases were breached sometime during their supervision period.

VANCOUVER

CONTEXT

Vancouver's Pre-trial Services Centre is located in the middle of the old downtown area, containing "Skid Row". The provincial courthouse, housing First Appearance and Trial Courts, is immediately behind the Remand Centre, and the Vancouver City Police Central Station and lock-up is across the street.

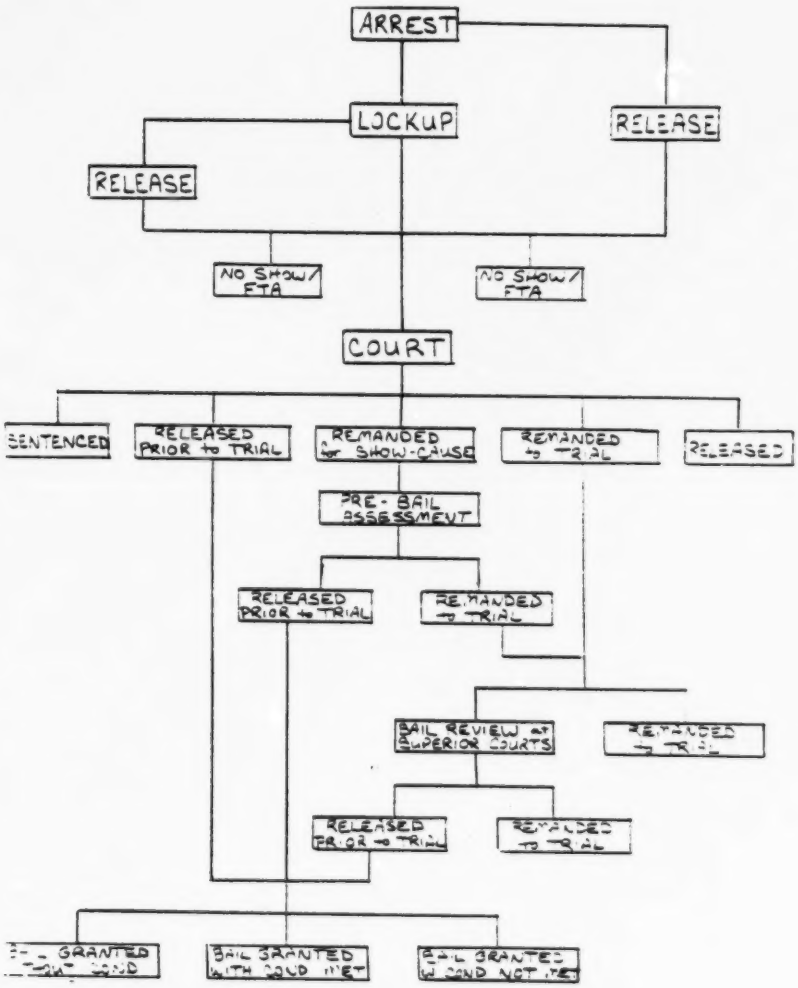
The Pre-trial Services Centre is a 150 bed remand facility and was constructed using the living unit concept. The average size of living units is 15 beds and all accused are housed in separate rooms. While the facility was designed originally to house remand and immigration-hold cases, to the extent that beds are available, current policy provides for the housing of sentenced inmates who are awaiting trial - sentenced inmates with various types of detention orders usually occupy 18 to 22% of the beds at any one time. In the first week of April, the remand count in the Centre stood at 121, with a total of 153 beds in use.

Not all remand cases generated from Vancouver Court can be housed in the new Centre. The Lower Mainland Regional Correctional Centre (LMRCC) located in Burnaby about 15 minutes drive from downtown, also accommodates remanded persons. The contrast between the physical environment of the new Pre-Trial Services Centre and that of LMRCC is dramatic. As the Pre-Trial Services Centre does not house female accused, these individuals are accommodated in the Lakeside Correctional Centre for Women, located beside LMRCC. Approximately 20 to 30 remanded females are in Lakeside at any given time.

There are two entry routes for an individual to enter any one of the above three institutions on remand status:

FIGURE 5

The Pre-Trial Decision Making Process: Vancouver, Victoria and Prince George



1. Appear before a Justice/Judge and be denied bail, or be ordered to attend a show cause hearing.

2. Appear before a Justice/Judge and be granted bail, but be unable to perfect all conditions of the Release Order.

BAIL SUPERVISION PROGRAM

In September 1974, the Vancouver Bail Supervision Program was put forward as a pilot project to test the feasibility and desirability of a pre-trial investigation/supervision service to the Court. Now in its eleventh year of operation, the Program has expanded to become a province-wide program offering of the B. C. Corrections Branch. Although Vancouver's justice community climate in 1974 was ripe to develop and implement a community based pre-trial program, the project faced initially some groups and individuals who opposed its development. In view of this situation, correctional managers responsible for project implementation built court liaison and information gathering duties into the job function of the bail supervisor to ensure a high level of contact between the worker and other actors in the court process (Judges, Crown, Defence and Court Administration). At this time, First Appearance Court was held in the police station, and this guaranteed a degree of contact between bail supervision staff and the police officers.

The bail supervision office opened its doors with a complement of 6.5 line staff dedicated to bail supervision. The staff complement has remained at its starting level to this day, although caseloads have more than quadrupled from the first years of operation. While some practitioners considered their program to be understaffed, it was the view of management that efficiencies have been achieved over time, and that a smaller staff effort per case is required. Further, an upper limit on staffing resources is believed to contain the number of persons receiving bail supervision orders as compared to being released on their own recognizance.

All components of the original bail supervision pilot have been kept intact in Vancouver, although the extent of services offered are not the same. In

the early days, a bail supervisor would sit in court all morning fulfilling various duties and providing information to the courts. On particularly busy days two workers were assigned to cover court duties. Today, probation officers are on rotating duty at the courthouse about one to two hours per day to provide modified Pre-Bail Enquiry Reports. These reports no longer deal with all aspects of the case but simply provide the Court with past and present correctional information on accused slated for show cause hearings. Unless the court requests, no community investigation or contact with the accused occurs. The vast majority of Pre-Bail Reports completed in B.C. are done by the Vancouver Community Pre-Trial Office, with approximately 650 being completed in a year, or two to three every day that the court sits.

The Bail Supervision Program was originally directed at a small group of individuals who received cash-bail conditions, had no cash resources, and as a result stayed in jail. These people tended to be young transients or older "Skid Row" alcoholics. As the Program demonstrated success in handling these cases, more and more referrals were made. Federal prosecutors gradually requested bail supervision in drug cases, Provincial Court judges started referring "heavier" cases to the program, and Bail Appeal/Reviews at the County and Supreme Court level began to set conditions of supervision as a basis for Interim Release. Today, cash-bail conditions have all but disappeared from Vancouver courts, but conditions of supervision for cases granted bail continues to increase.

In 1974/75, the Bail Supervision Program had a pro-active focus which attempted not only to supervise and monitor the accused, but to help them succeed in their pre-trial release period. Part of the success entailed a belief that the program could help accused from "getting in any further trouble" of both a criminal and non-criminal nature. Liaison with police, Crown, Judges, hospital staff, mental health workers, social workers, and a myriad of community based agencies was encouraged to promote development of the program.

While not all the pro-active work has stopped, time constraints now make it impossible for as much case work to be done as in the past. While an individual case may receive special focus based upon intense need, the majority of cases are dealt with in a quick, in-person interview once per week. In Vancouver, the court does not usually set the frequency of reporting thereby giving the Probation Officer a fair degree of discretion in drawing up the supervision plan. The plan can call for any reporting periodocity unless stipulated by the court. The norm is once per week until trial date is set; afterwards bi-weekly is appropriate where discretion allows. Where more frequent reporting is stipulated by the court, accused usually satisfy reporting through a mix of log book signing and in-person interviews. Log book signing is acceptable only after an accused has demonstrated reporting reliability.

Bail supervision cases must report to the Community Pre-Trial Services Office as directed by the court or Justice of the Peace, generally upon release or the day of the Order.

Releases are most often made on Undertakings, but Recognizance Orders are frequently used. Most cases arise from the Provincial Court; however, a large number of cases also come from Bail Review/Appeal cases from the County and Supreme Courts.

As well as supervising cases, the Community Pre-Trial Office acts as a referral point for accused residing elsewhere in the province. If an accused is already on supervision, bail supervision is handled by the supervising Probation Officer. If the accused lives in Vancouver's suburban municipalities, supervision is transferred to the local office after a trial date is set. Accused can report to the downtown office if this is more convenient.

When a supervisor becomes aware that the accused has wilfully breached conditions of their Recognizance, or if the accused does not report as required, a Violation Report must be submitted to Crown. In Vancouver city, Crown receives a copy of a report sent to the Provincial Court

Justice under Section 458 of the Criminal Code. For cases involving higher court orders, Crown is notified directly. Prior to submitting the report, the probation officer tries to contact the individual. If contact cannot be made, the supervisor checks the Corrections computer system, the office card system, the court list, C.P.I.C., and the inmate listing at the Pre-Trial Services Centre to see if the individual can be found. Defence Counsel may also be contacted. If all attempts to locate an accused are unsuccessful, the Violation Report is completed and forwarded along with a recommendation from the probation officer as to appropriate action. In special circumstances, Crown or a Provincial Court Justice is immediately notified of a violation to facilitate issuance of a warrant.

Not all Violation Reports directed to Crown are acted upon. If Crown does proceed, it is usually by way of Revocation through Section 458 of the Criminal Code. In Vancouver, new charges are rarely brought against an accused who fails to comply with release conditions.

The monthly caseload in Vancouver has risen from approximately 100 in 1975/76, to a peak of 761 in October 1984. The current average monthly caseload for Vancouver's Community Pre-Trial Office is approximately 700, shared among the 6.5 Probation Officers. Approximately 100 bail supervision cases are handled, on average, by other probation offices in the Vancouver area. As well, approximately 350 bail supervision cases are supervised by probation offices in the Fraser region. These cases are spread out among more than 25 offices in and adjacent to Greater Vancouver. By far the busiest location is the Vancouver Community Pre-Trial Services office, with an average rate of intake that exceeds 230 cases per month. This in-take rate indicates that fully one-third of Vancouver's bail supervision cases turn over each and every month.

JUSTICE SYSTEM CONTEXT

The Bail Supervision Program is well-known in Vancouver. The Crown, Defense, Judges, police and court administration all know about the Program and its overall function. There is, however, a feeling in Vancouver that

each justice system component in the city is separate. There is no hostility between the various groups, but there does appear to be an attitude of guarded independence.

The police in Vancouver virtually have no contact with bail supervision staff unless they initiate contact. The Crown is formally contacted through a series of forms, though there is person-to-person contact between bail supervisors and prosecutorial staff where required. Judges are not accessible to the bail supervision staff, unless through proper management channels.

Community and institutional staff seem to know each other, and interact on a regular and frequent basis. While the Bail Supervision Office and Pre-Trial Services Centre share the same building, the supervisors do not go into the institution on a regular basis on client related matters. There was an attempt to begin regular screening of remanded individuals in the Centre but manpower reductions in conjunction with workload increases made this expansion of the bail program untenable.

Courts in Vancouver release approximately 650 to 750 individuals each month on Judicial Interim Release. About 230 of those released, or 30 to 35% end up on bail supervision. The majority of these releases are made by Provincial Court Judges or Justices who are on duty (or on call) nights and weekends. Approximately 10% of all cases originate from federal drug prosecutions and Superior Court Bail Review/Appeal Hearings.

VANCOUVER BAIL SUPERVISION CASE PROFILE

The files of 50 Vancouver bail supervision cases were examined to get a flavor for the kind of case being dealt with in the downtown office. While the results are not put forward as statistically representative, they do offer some valuable insights:

- The average age of cases on supervision was 30, with 18 as the minimum and 69 as the maximum.

- Almost one in five cases were female.

- Unemployed people out-number employed by nearly three to one.

- Of those cases where race was known, 20% were identified as Native.

- The average length of supervision was 121 days, with a range from two to 531 days.

- Sixty-eight percent of all cases were charged with person, property or drug related offences; 24% with crimes against the person.

- Forty-eight percent of those supervised received a disposition of a fine, probation or jail; 14% went to jail, 28% to probation.

- Twenty-six percent of all cases were breached sometime during their supervision period.

VICTORIA

CONTEXT

The Vancouver Island Regional Correctional Centre (V.I.R.C.C.) houses all males remanded by the court on Vancouver Island. The centre is located about a 15 minute drive from downtown, and also accommodates provincial sentenced offenders, federal inmates awaiting the end of their appeal period, immigration hold cases, and convicted offenders awaiting sentence.

The V.I.R.C.C. has recently undergone a major reconstruction/renovation. Phase II is now complete and the institution's 150 cell living unit complex is being utilized. Phase III will see the Centre's old main building renovated to provide areas for administrative offices, programs, medical services, and additional bed space for sentenced inmates. When complete, the Centre will have a capacity of approximately 200 beds, 50 to 75 of which will be dedicated to remand cases on any given day.

Females are accommodated in either the Victoria Police or R.C.M.P. cells while they await trial on Vancouver Island. Long-term remand cases may be sent to Vancouver's Lakeside Correctional Centre for Women.

The Attorney General's Sheriff Service normally provides escort services for male and female accused going to the institution from court, and for subsequent moves of the accused to scheduled court appearances. Police bring the accused to court for their initial court appearance.

An accused enters into remand status to V.I.R.C.C. when denied bail or ordered to appear at a show cause hearing. An accused may also be admitted to V.I.R.C.C. on remand if bail conditions set by the court have not been met.

BAIL SUPERVISION PROGRAM

A bail supervision program has been operating in Victoria since 1975, when a local director in probation received approval to develop the program in

the city. While basic procedures and standards are the same as those in Vancouver, supervision and handling of cases in Victoria is quite different.

In Victoria, there are no bail supervision specialists, and adult probation officers carry a mixture of cases. Approximately six offices in the Victoria area share a caseload of between 240 to 280 supervision cases. The office with the largest proportion of cases is the Victoria Adult Office located in the Law Courts Building. In Victoria, Bail Supervisors do not sit in court or undertake pre-bail enquiries. The first time that an accused person is seen by the probation officer is when they walk into the office, following their release. The Interim Release Court Order usually specifies that those given a condition of community supervision must report to the Victoria office on the day of release.

The Victoria adult office has six probation officers who have approximately one-third of their caseload on bail supervision orders. Probation officers handle between 15 to 25 bail supervision cases monthly. The Victoria office is a scheduling point for the bail supervision cases as well as other probation cases.

The office serves as the court liaison office, due to its proximity to the court and court administrative staff. Of the approximately 60 bail supervision intakes in the Victoria area, each month the Victoria Adult Office handles 30 new cases and re-directs the remainder to an office located in the area where the accused resides.

If an individual fails to report as directed, a probation officer or the office director attempts to contact the person in writing. It would appear that many times a person does report after a reminder is given to them. In the event that an accused still does not report, checks are made at various places in an effort to locate him or her. If the search is not successful, a report is submitted to the Crown identifying the breach. If the Crown proceeds it is usually by way of a 458 Revocation, resulting in the issuance of an Arrest Warrant for the accused.

Supervision while on bail in Victoria normally means an in-person reporting requirement with frequency ranging from daily reporting to once every week, depending on various factors. As an alternative to face-to-face reporting, the Bail Supervisor may require the person to sign a log book at a specified frequency. The form of counselling is worked out between the Bail Supervisor and the accused, and compliance with release conditions are given the highest priority. The frequency of reporting is determined either by the Court or the Bail Supervisor. It is emphasized by staff that the nature of supervision is very much dependent on the individual probation officer and their style of handling cases, within the bounds of operational guidelines.

The caseload in the Victoria area has grown from about 160 in 1977/78, to 280 in 1985. Of this number, 130 to 150 are supervised by the Victoria Adult Office. Of the approximately 100 Judicial Interim Releases granted in Victoria per month, 60 are given a condition of supervision.

JUSTICE SYSTEM CONTEXT

The Victoria City Police operate their own lock-up for holding accused individuals prior to their first court appearance. The police escort accused to court and thereafter leave the job of prisoner escort to the province's Sheriff Service.

The Bail Supervisor in Victoria has frequent contact with police, Crown, and court administration. The nature of this contact is co-operative and friendly.

The probation officers with bail supervision cases do not normally visit the Vancouver Island Regional Correctional Centre. Although mutual information is shared and co-operation is good, the bail supervision and the institutional program are totally independent.

VICTORIA BAIL SUPERVISION CASE PROFILE

The files of 50 bail supervision cases were examined in Victoria. While not statistically representative, the results illustrate the following information:

- The range in age of supervision cases went from 17 to 59, with an average age of 29.
- Eighty-two percent of cases were male; 18% female.
- Unemployed outnumbered employed people by almost 4 to 1.
- The average length of supervision was 175 days, with a range from 1 to 854 days.
- Sixteen percent of all cases were charged with offences against the person; 74% were charged with person, property, or drug offences.
- Sixty-four percent of all cases received a disposition of a fine, probation, or jail; 28% of cases went to jail, 26% to probation.
- Eighteen percent of cases were breached sometime during their period of supervision.

PRINCE GEORGE

CONTEXT

The Prince George Regional Correctional Centre (P.G.R.C.C.) is located on a hill above the town of Prince George. About ten minutes drive from the courts in Prince George, the Centre houses all remanded male accused. The facility also holds provincial sentenced prisoners, immigration hold cases, federal cases awaiting the end of their appeal period, and sentenced prisoners awaiting further court appearances. P.G.R.C.C. has a capacity of 160. In the spring of 1985, the Centre was holding between 140 to 145 people, 30 of whom were on remand status.

Females awaiting trial in Prince George are held at the R.C.M.P. lock-up facility which is in the same building that houses the Provincial Courts. Longer-term female remand cases can be transferred to the Lakeside Correctional Centre for Women in Vancouver.

In Prince George, sheriffs move accused between the R.C.M.P. lock-up and the courts. Sheriffs also assume the responsibility of moving the prisoner to and from the court and the correctional institution.

Entry to P.G.R.C.C. or the police lock-up on the status of remand demands that an individual has been brought before a justice or judge and has been denied bail, been ordered to appear at a show cause hearing, or has been granted bail and was unable to perfect the conditions of the release order.

BAIL SUPERVISION PROGRAM

Bail supervision has been offered in Prince George since March 1978. One position is dedicated to delivering the program. Initially, the structure of bail supervision in Vancouver was studied by northern probation officers and then adapted to the Prince George environment. The same probation officer who set up the service over seven years ago is still functioning as the bail supervision specialist in the Prince George Adult Community

Office. The Prince George Community Office is in the Government Building close to the city centre. The building also houses County and Supreme Courts.

In Prince George, the probation officer responsible for bail supervision begins every morning by checking who is on the court appearance list for the morning session. This list will include accused held in police cells and those on remand at P.G.R.C.C. The bail officer then proceeds to the Provincial Court, taking along the files of those who are or have been on bail supervision and whose name has appeared on the in-custody court appearance list.

Upon entering the court building, the probation officer picks up copies of the Undertakings and Recognizance Orders involving bail supervision from the previous day. If called upon, the bail officer provides information in court for bail hearings.

If an accused receives bail supervision, the probation officer sometimes interviews them before they are released from the court holding cells. Normally though, the accused reports to the bail supervisor later that day or the day following. The morning court session is busy, as the bail supervisor tries to touch base with most of the people who work in the court building. There is increasing pressure to curtail the amount of time the bail supervisor spends in court, as staff resources in the adult probation area have become heavily taxed.

Afternoons are devoted to the reporting of accused. Bail supervision cases report to the main office and then see the bail supervisor. Reporting is usually required in person once a week, although there are variations. The court does not usually stipulate reporting frequency. If the bail supervisor is not in the office when an accused reports for initial intake, the intake form is filled out and the individual is instructed to report at a time when the Bail Supervisor will be available. For long-term supervision cases, the reporting requirement is satisfied if the accused signs in and the secretarial staff recognize the individual. This

arrangement is usually made beforehand, as the bail supervisor knows who is likely to report while he is absent. If staff don't recognize the individual, or there is a particular reason why the bail supervisor wants to see the accused, a probation officer usually tells the individual to return when the bail supervisor will be present. While on supervision, the individual may be contacted by telephone to see if they are meeting curfew or other conditions of release. Verbal and written warnings are issued and noted on file where slight violations occur.

If an accused fails to report, or breaches conditions of the Release Order, the bail supervisor prepares a violation report. A period of between one to seven days is allowed to pass before sending the report in to the Crown, unless the Crown or Judge has requested immediate notification in the case. The bail officer usually recommends a charge under Section 133(3), but sometimes has trouble getting the Crown to proceed. Even when additional charges are laid, they are frequently stayed or withdrawn in court.

The number of bail supervision cases has grown from approximately 50 in 1978, to a peak of 120 in 1984. While the average yearly caseload is currently between 85 and 90 cases, levels in the spring of 1985 were around 70 cases. Approximately 20 to 30 intakes are handled every month in Prince George. Several of these new cases are transferred to probation offices or R.C.M.P. Detachments in other towns. The vast majority of cases originate from the Provincial Court.

JUSTICE SYSTEM CONTEXT

The bail supervision program is well known by Judges, Crown, Defence, court staff and police. The probation officer responsible for bail supervision is clearly seen as part of the court team.

The R.C.M.P. in Prince George indicated that there were no particular problems that they had experienced with the Bail Supervision Program. They did note, however, that too often they see an accused released on an interim

basis who they feel is a legitimate threat to the community. This was seen by police representatives as being the result of procedural or human error rather than a general problem with the release program.

Judges are fully aware of the program in Prince George. The head of the court clerks, also one of the duty Justices of the Peace for nights and weekends, was very familiar with the program. In Prince George, every month there are approximately 90 judicial interim releases from the courts. Approximately half are made by Judges, and the other half by Justices on duty or on call. This means that approximately 30% of all interim releases end up on bail supervision.

PRINCE GEORGE BAIL SUPERVISION CASE PROFILE

The files of 36 bail supervision cases in Prince George were reviewed to get an idea of what kind of case was being handled in the city. While the results are not statistically representative, they do offer the following information:

- The average age of cases supervised was 27, with a range from 17 to 55.
- Eighty-three percent of the cases were male; 17% female.
- Unemployed people outnumbered employed by slightly less than two to one.
- Twenty-five percent of the cases involved a Native person, compared to about 75% Non-Native.
- The average length of supervision was 126 days, with a range from one to 403 days.
- Seventy-two percent of cases were charged with either person, property, or drug offences; 28% with crimes against the person.
- Sixty-three percent of bail supervision cases received a disposition of fine, probation, or jail; 17% received jail.
- Only 6% of the 36 cases were breached sometime during their period of supervision.

BAIL VERIFICATION AND SUPERVISION IN WESTERN CANADA

OVERVIEW

The data contained in this study are mainly descriptive and are not put forward as hard, representative statistics. However, assuming that 'general descriptive information is a good first step', the present study was based on a wide variety of useful information sources, including annual reports, research studies, published books and pamphlets, information sheets, workload summaries, outputs from management information systems, court case documentation, bail supervision files, and interviews with members of the 'justice community' in Western Canada.

Bail supervision in Western Canada is delivered by provincial correctional services in Manitoba, Saskatchewan, Alberta, and British Columbia. Although a variety of strategies and program models are used to provide services to accused persons and the courts, the majority of programs are staffed by probation officers working in the community section of a corrections service.

There is a shared feeling among bail supervisors in Western Canada that they are performing a unique task in the correctional system. Upon looking at the numbers of bail supervision specialists in the sites examined, it is easy to see why they consider their services unique, as they total a mere 22 individuals. Overall, including those staff carrying bail supervision cases as only a part of their normal caseload, it is estimated that a total of 32 person-years will be expended in 1984-85 for the supervision of accused persons in Western Canada. The total supervision caseload handled by bail supervisors and probation officers is impressive and averaged approximately 2,400 per day at the time of study. These workers also handle about 7,700 intakes per year, which represents approximately 20% of all court ordered interim releases.

The eight cities selected for the study were considered to be a good cross-section for studying bail services in Western Canada. According to the 1981 Canada Census, the combined population of the eight cities was 3.5 million, representing approximately 50 percent of the total population in the four Western provinces. During the study, it was determined that the eight cities accounted for 78% of the manpower devoted to bail programs, 75% of the caseload, and 77% of the bail supervision intake.

Two types of statistical data were collected for analysis and are presented in separate sections below: 1) data which describe the nature and extent of bail related services in each city; and 2) data on a sample of bail supervision cases within each program.

Information collected in the first category include the number of bail supervision orders per month, number of verification reports per month, average daily caseload figures, and number of staff in each office who are directly responsible for supervision.

Referring to the second category, variables used in the study of accused persons were age (at time of entry to bail supervision), sex, race (where identified), employment status, release date (on Recognizance Order or Undertaking), termination date, offence (most serious charge), court outcome, and sentence disposition (in days for jail/probation; in dollars for fines). Violations and criminal offences that were reported while the accused was on bail supervision were also noted.

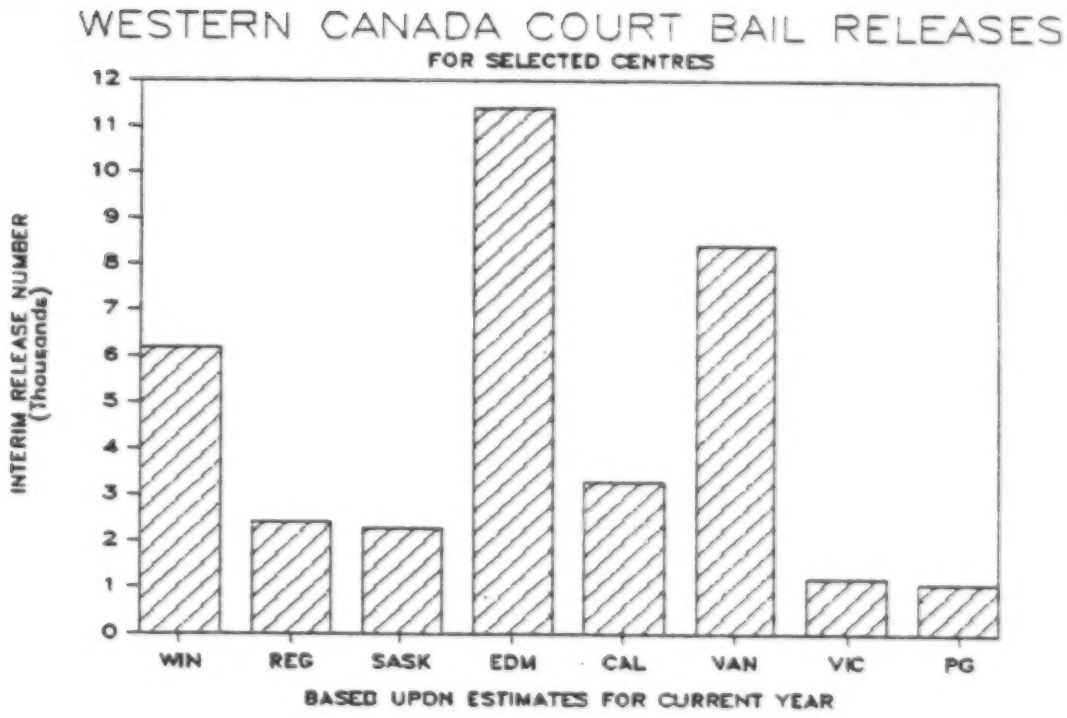
STATISTICAL OVERVIEW OF BAIL SERVICES IN WESTERN CANADA

1) Interim Release

It was not possible within the present study to clearly determine the number of court orders in each city that involve interim release. The numbers reported in Figure 6 are rough estimates for 1985, based on information from justices who sign orders of release, as well as court records and annual reports.

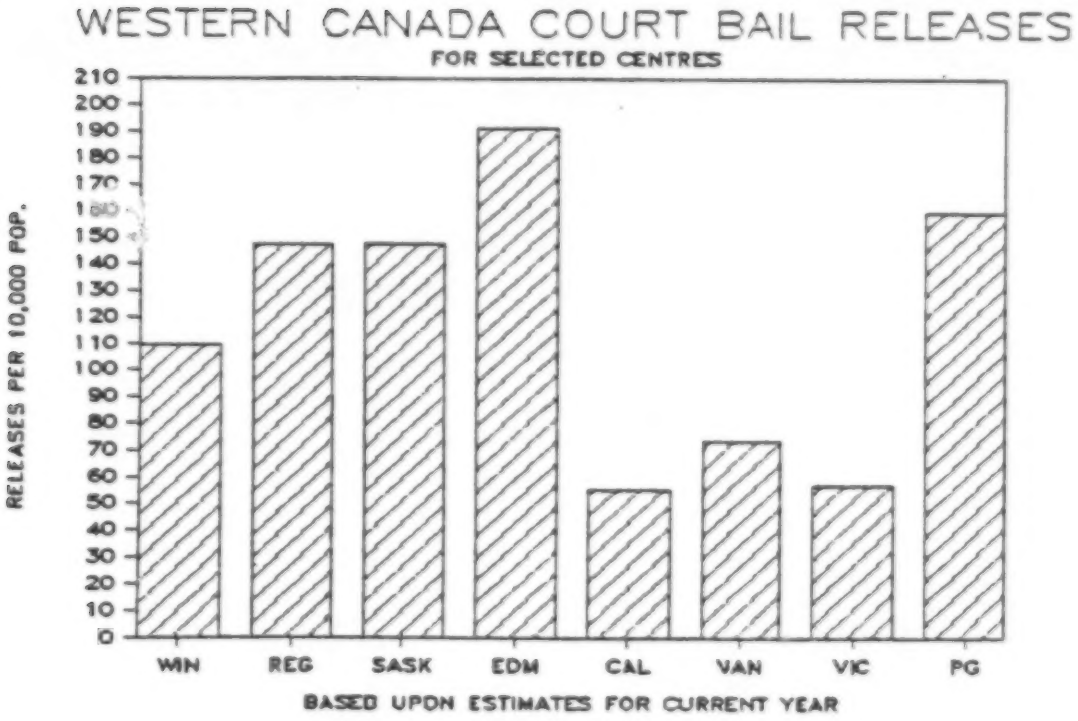
Figure 6 shows that Edmonton, Vancouver and Winnipeg process the largest number of bail releases per year. It would appear that Regina, Saskatoon, and Calgary have roughly equivalent release numbers, as do Victoria and Prince George.

FIGURE 6



By controlling for differences in the size of population, Figure 7 shows quite a different picture than the raw numbers. In 1985, Calgary, Vancouver and Victoria will have released between 55 to 75 accused per 10,000 population. Winnipeg is situated by itself at around 110 releases per 10,000 population, while Regina, Saskatoon, and Prince George are in the 145 to 160 range. Edmonton stands alone at approximately 190 releases per 10,000 population, and this may be related to the fact that police do not make "officer-in-charge" releases in the city. However, it is important to recognize that a myriad of factors may account for the difference in release rates among cities.

FIGURE 7

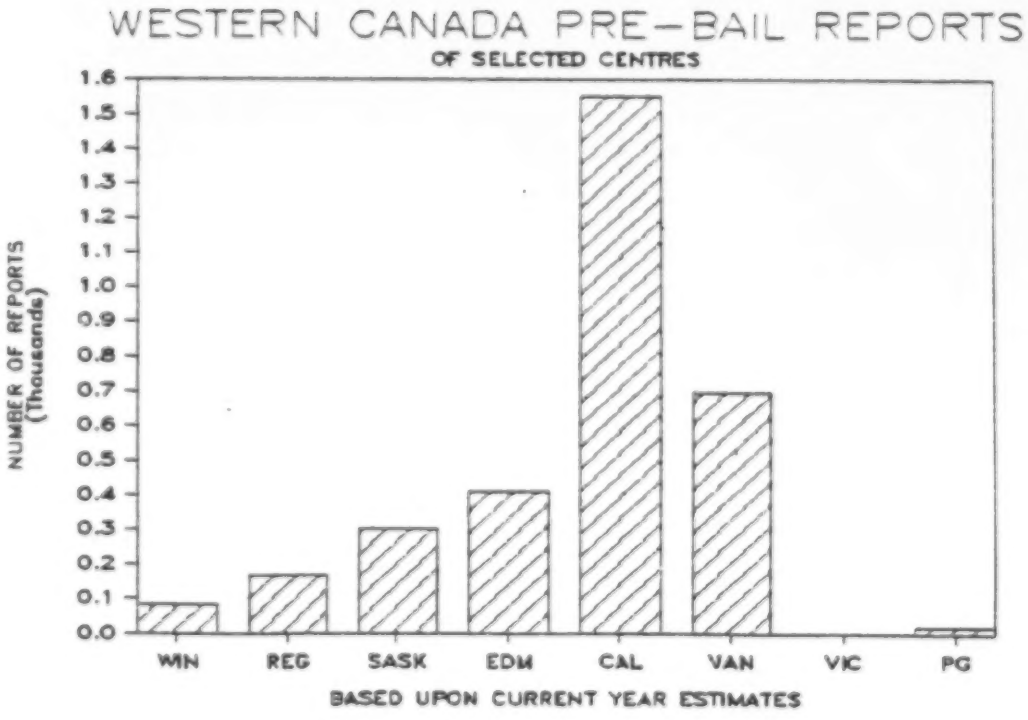


2) Pre-bail Reports

Pre-bail reports take a variety of forms and can require work from a few minutes to one or more days. For 1985, the estimated number of verification reports undertaken by correctional staff in each city are illustrated in Figure 8.

In Calgary - which has the highest number of pre-bail reports - verification interviews were completed on all accused entering the Calgary Remand Centre to await a bail hearing. This service has recently been cancelled. In Vancouver, with the second highest total, reports are done at the request of the court, but generally contain only correctional information. In Regina and Saskatoon, reports are often extensive, and take 4 to 8 hours to complete.

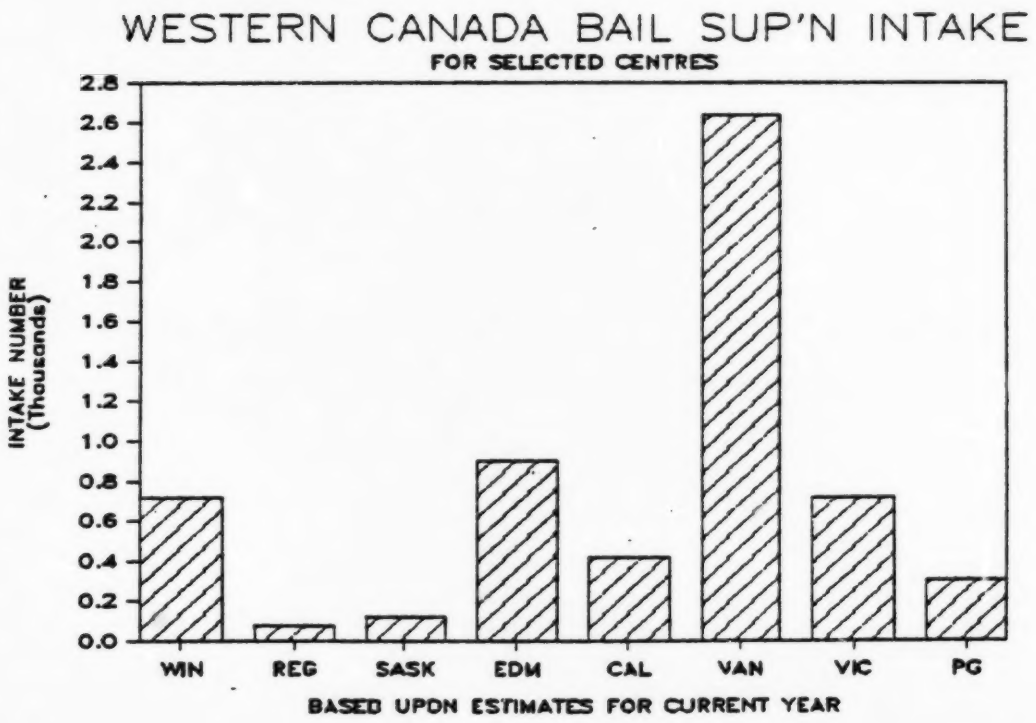
FIGURE 8



3) Bail Supervision Intake

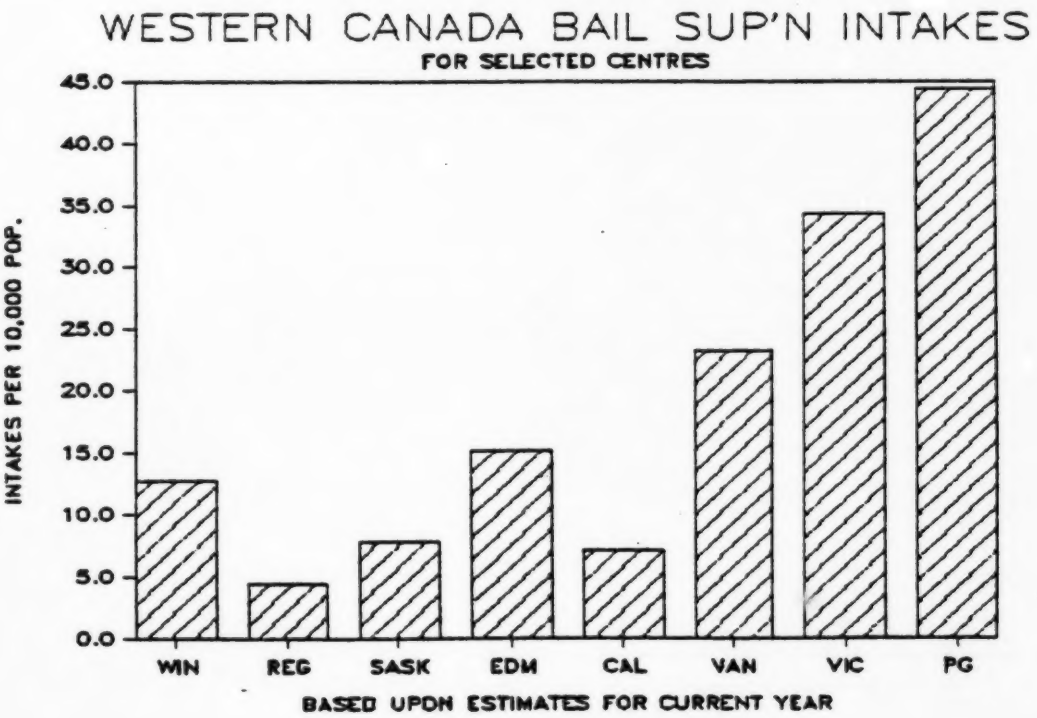
Figure 9 graphically presents the number of new bail supervision cases per year for each city studied. Vancouver experiences by far the greatest number of intakes (approximately 2,600), with Winnipeg, Edmonton, and Victoria showing a distant second level at the 600 to 900 range.

FIGURE 9



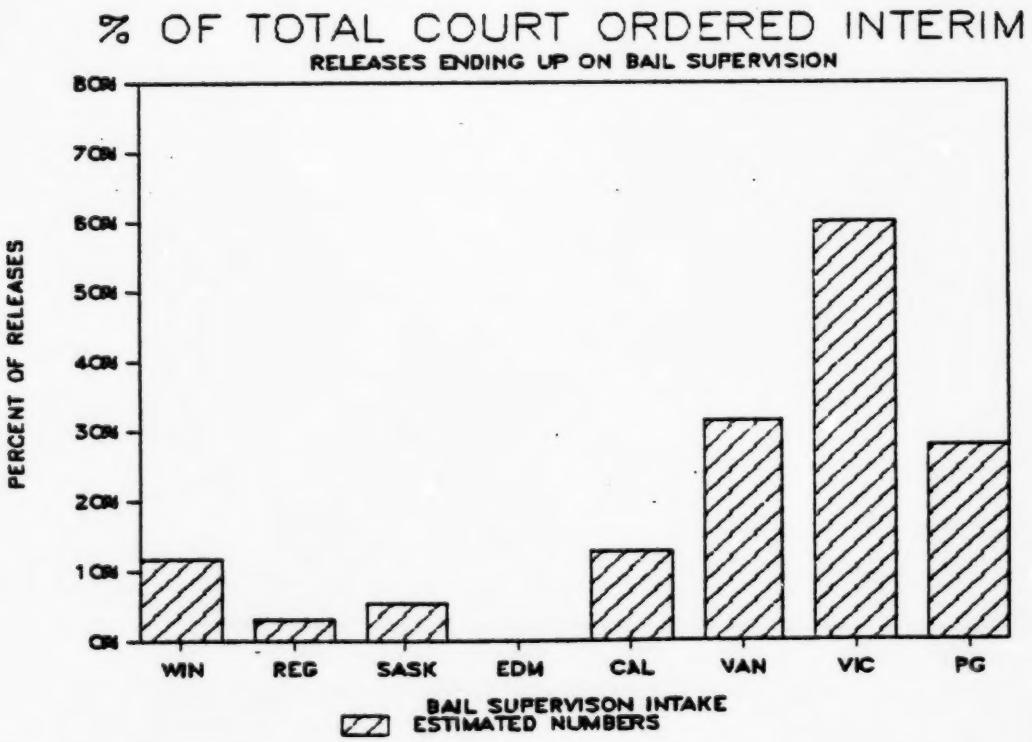
For each city, Figure 10 displays intake rates per 10,000 population, and it can be seen that the three British Columbia cities exhibit the highest proportion of accused persons entering into bail supervision (between 23 and 44). Edmonton and Winnipeg are seen to be roughly equivalent at 17 and 12 per 10,000 respectively, while Regina, Saskatoon and Calgary group together at about 5 to 10 inmates per 10,000 population.

FIGURE 10



Based on the estimated figures shown in Figure 6, Figure 11 illustrates the proportion of all interim releases in each city that include an order of supervision. It appears that Victoria courts send approximately 60% of all interim release cases to bail supervision. In Vancouver and Prince George, the proportion is about 30%, and in Calgary, Winnipeg and Edmonton, proportions range between 8 and 12%. In Regina and Saskatoon, less than 5% of releases end up on bail supervision.

FIGURE 11



4) Bail Supervision Caseload

The number of cases supervised in each city at any one time varies considerably. In Figure 12, it can be seen that Vancouver is the largest supervision centre in Western Canada with an average monthly caseload of almost 700. Winnipeg, Edmonton and Victoria are in the 200 to 300 range, Calgary has about 150 cases, and Regina, Saskatoon and Prince George all have average caseloads of less than 100.

FIGURE 12

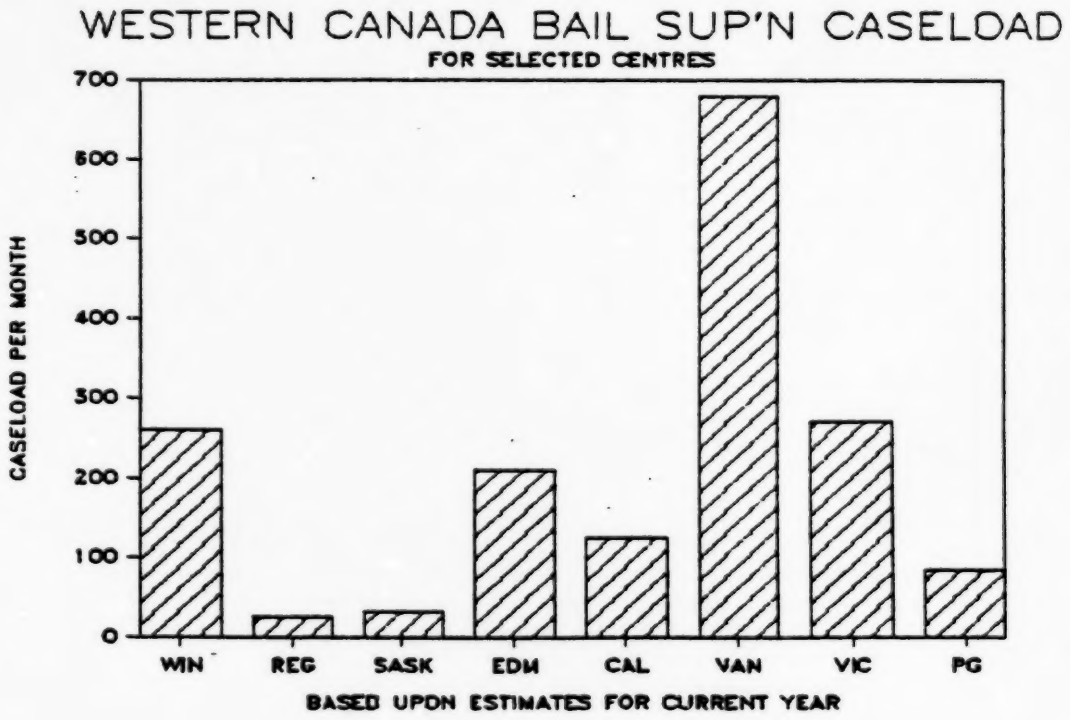
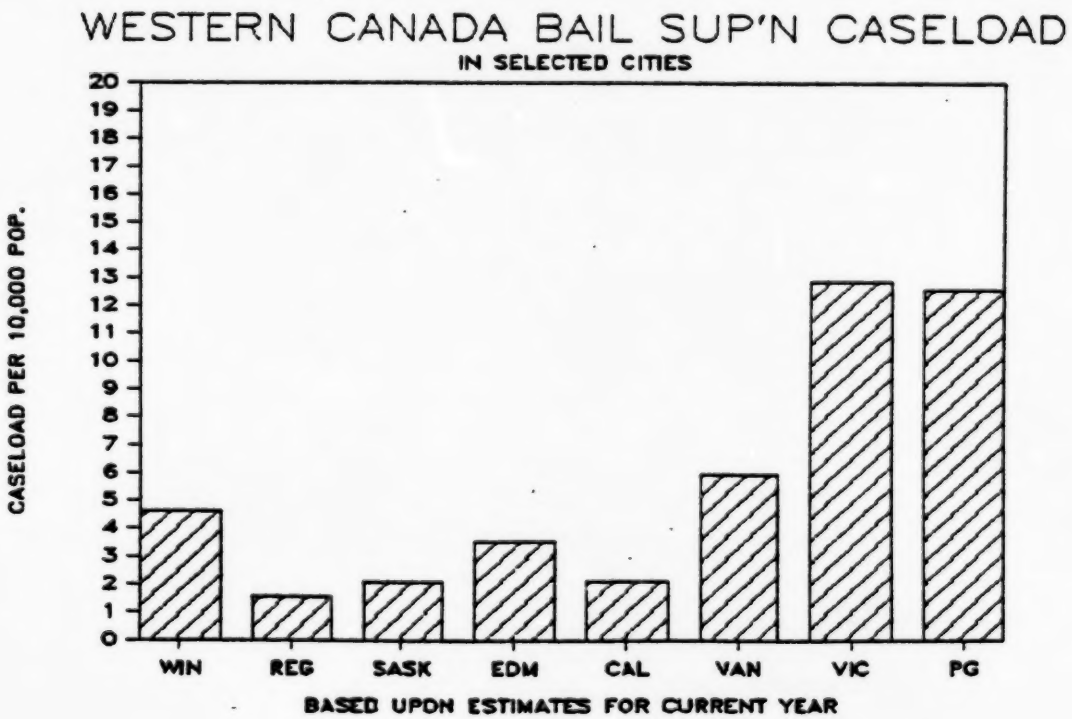


Figure 13 takes the raw caseload figures and puts them into a per 10,000 population format. It can be seen that the three B.C. cities have the highest caseloads in proportion to population, and Victoria and Prince George have substantially higher caseloads than all other centres - 13 and 12, respectively. Vancouver, Edmonton and Winnipeg group together in the 3 to 6 per 10,000 range, as do Regina, Saskatoon and Calgary with less than 3 accused on bail supervision per 10,000 population.

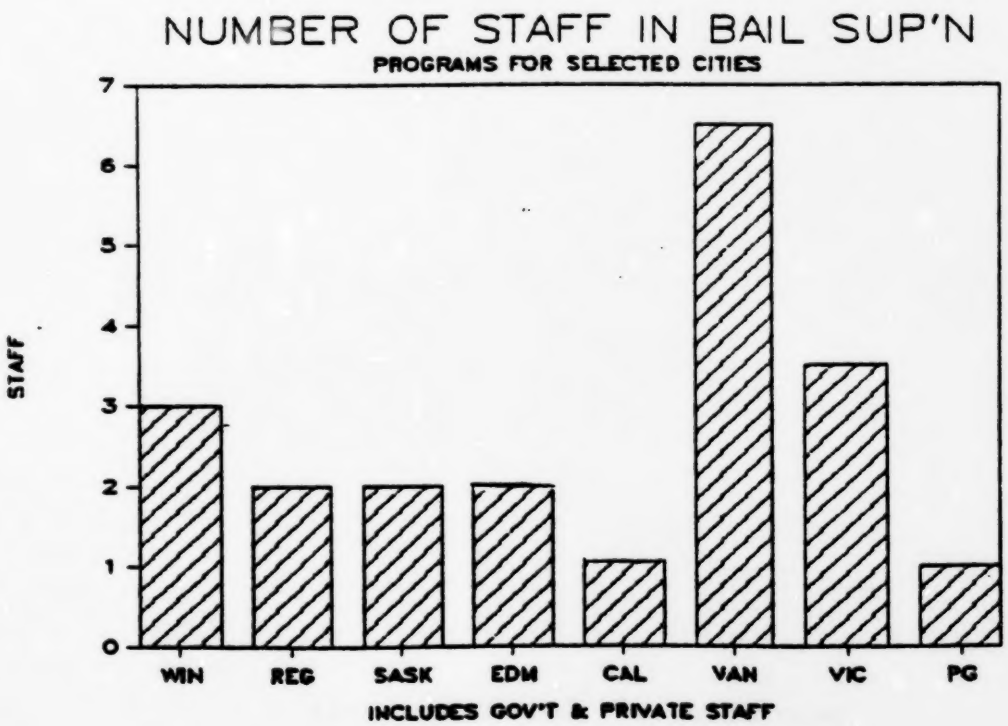
FIGURE 13



5) Staff Resources

The total number of staff involved in bail supervision programs is difficult to determine. Many cities transfer cases to probation offices where bail cases represent only a small portion of the normal workload, making it difficult to aportion a manpower figure to bail supervision. As well, clerical and management staff have significant roles in the operation of bail supervision programs, but they are not directly involved in bail supervision per se. The decision was made to count all staff who directly provide bail supervision services for more than one-half of their time. This rule was not followed in the case of Victoria where there are no positions dedicated to bail supervision. Here, estimates of manpower used for bail supervision were arrived at by talking with the Director of the Victoria Adult Community office, and using caseload numbers.

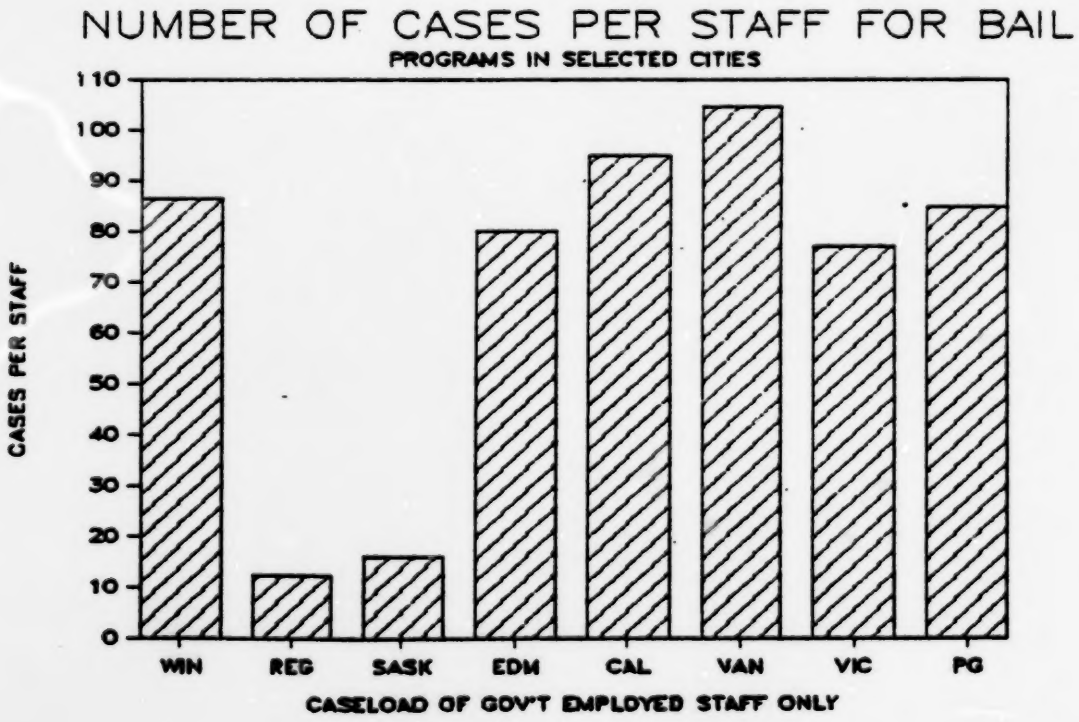
FIGURE 14



Using the above criteria, Figure 14 was created to show the total number of staff in each city who are dedicated to bail supervision. Vancouver has the most staff with 6.5; Edmonton, Victoria, Calgary and Winnipeg have between three and four staff; the Saskatchewan cities have two staff members; and Prince George has one.

The average monthly caseload in each city was divided by the number of staff to reveal the approximate caseload of individual bail supervisors. Figure 15 indicates that Vancouver staff supervise the greatest number of cases with 100 cases per staff member. Staff in Winnipeg, Victoria and Prince George handle between 75 and 90 cases each, officers in Edmonton and Calgary handle a caseload of 50, and staff in Regina and Saskatoon have between 12 and 15 cases.

FIGURE 15



BAIL SUPERVISION CASELOAD DESCRIPTION

1) Sample Overview

FIGURE 16

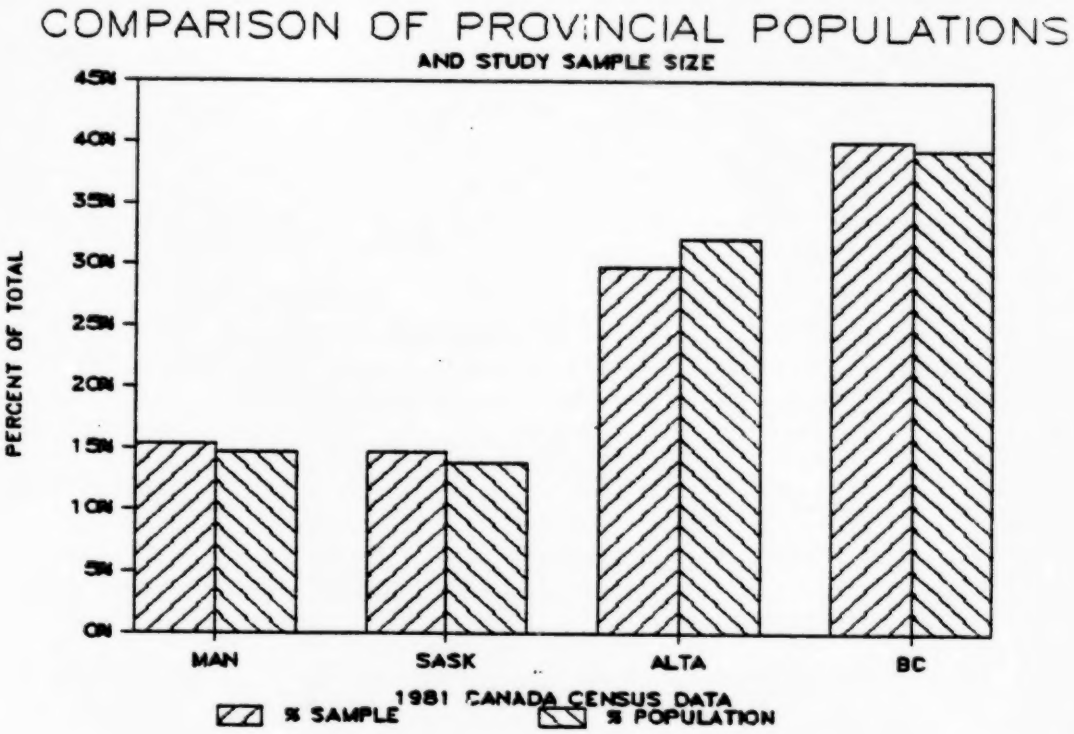


Figure 16 shows that the number of cases sampled in each province is in proportion to each province's total population. The sample is made up of 52 cases from Winnipeg, 22 from Regina, 28 from Saskatoon, 50 from Edmonton, 51 from Calgary, 50 from Vancouver, 50 from Victoria, and 36 from

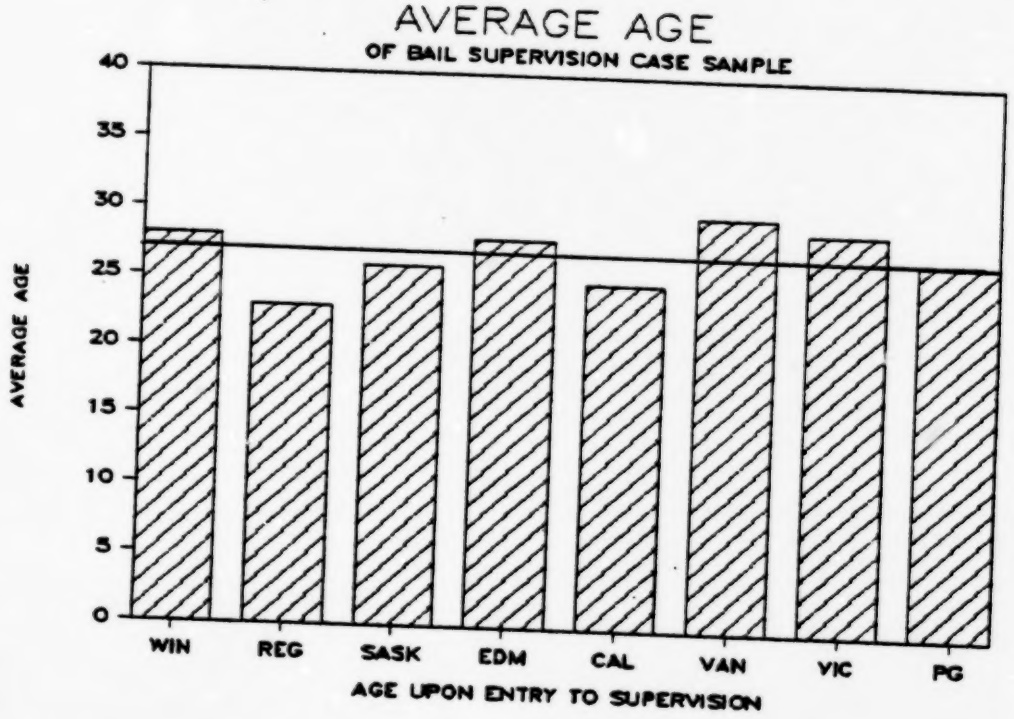
Prince George. All of the cases had entered and were discharged from bail supervision between 1980 and 1985. Collectively, the bail supervision cases provide some interesting information. The following is a summary of results:

- The average age of sample cases was 27.4, with a range from 16.1 to 72 years.
- 82.3% of the cases were male, while 17.7% were female.
- Unemployed people outnumbered employed by almost 3 to 1.
- In cases where race was known, more than one in four bail supervision cases were native.
- The average length of supervision was 152.4 days, or five months, with a range from one day to 2.34 years.
- Almost one in every three cases was charged with crimes against the person - more than one in every two cases involved crimes related to property or drugs.
- Of the 339 bail supervision cases sampled, one in every five cases was released as a result of a stay of proceedings, withdrawal of charges, suspended sentence, or acquittal.
- One in every four cases was breached sometime during their period of supervision; 40.4% of all cases contained reports of a violation, and 14.2% involved incidents of crime.
- One in two received a disposition of a fine, probation order, or jail sentence; one-half of these post-trial disposition cases went to jail (25% of the sample).
- Of the 84 cases who received a jail sentence, the average sentence was 379.3 days, with a range from one day to 2,555 days.
- The average length of probation orders was 456.3 days, with a range from 30 to 1,000 days.
- Thirty-one of the cases, or less than 10%, received fines, and had to pay an average of $225.80, with a range from $25.00 to $500.00.

2) Age

The distribution of average age shown in Figure 17 indicates that the majority of cases are in their 20's and that average age in each city varies little from the total sample average of 27 (indicated by the horizontal line).

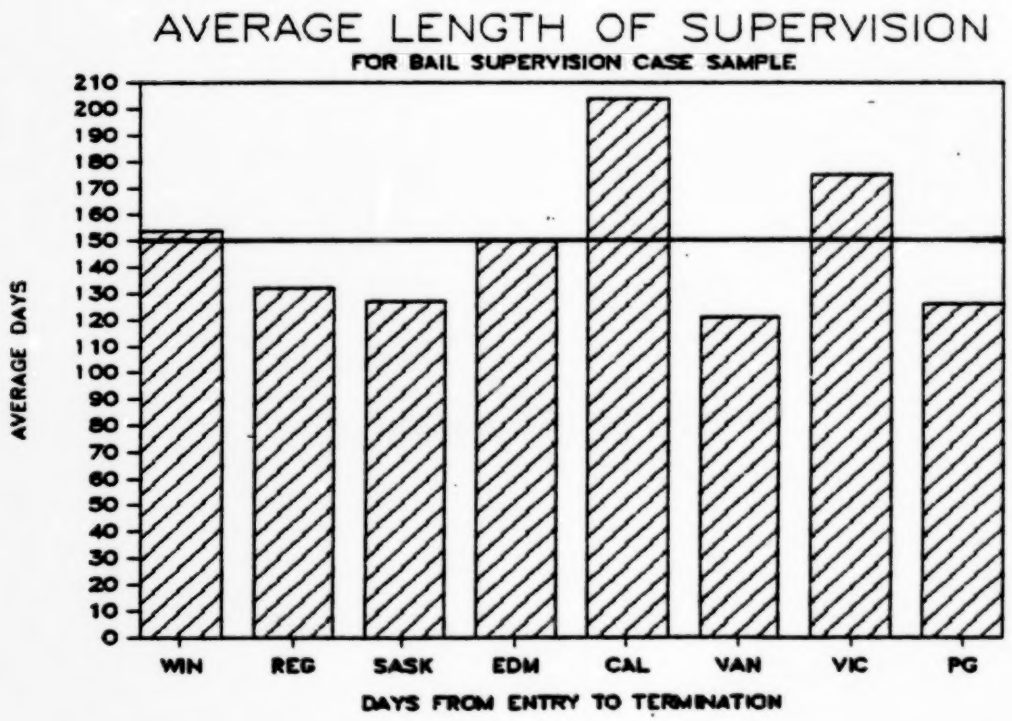
FIGURE 17



3) Length of Supervision

Figure 18 illustrates the average length of supervision for bail supervision in each city. It can be seen that fairly wide variation exists among cities. The average length of supervision for the entire sample is represented by the horizontal line at approximately 150 days. Vancouver has the lowest average length of supervision with 120 days, followed closely by Saskatoon, Prince George and Regina. Calgary and Victoria had cases with the longest average length of supervision at 200 and 175 days, respectively. For the total sample, 24.2% of the cases had supervision lengths from 1 to 45 days, 30.1% had between 46 and 120 days, 23.9% had between 121 and 230 days, and 21.8% of cases had been supervised over 231 days.

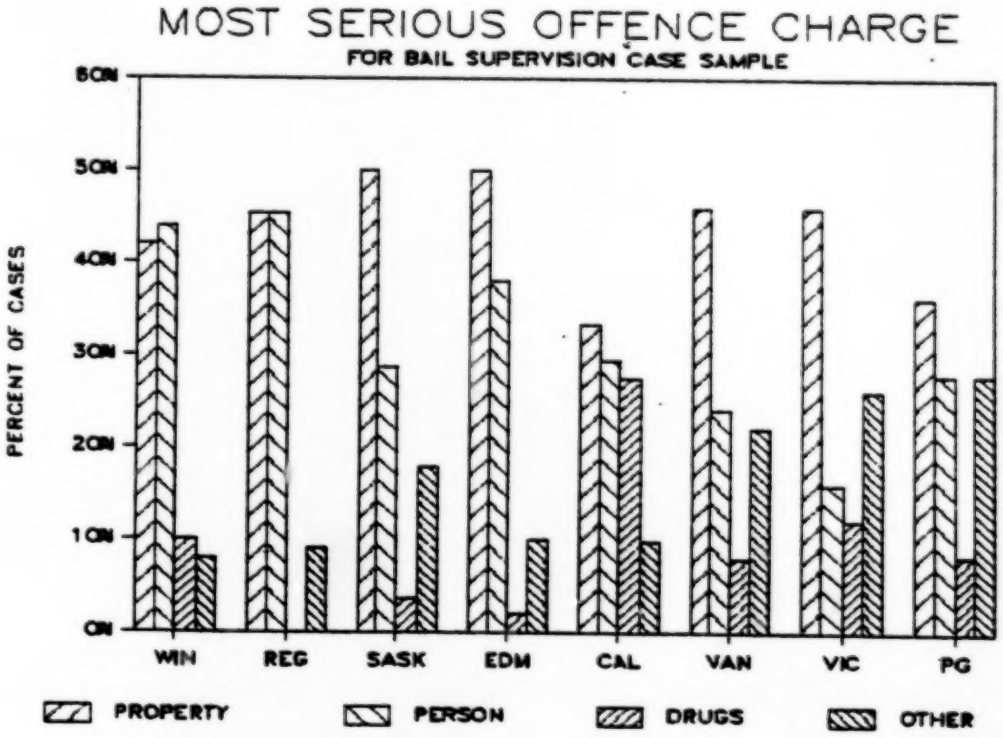
FIGURE 18



4) Most Serious Offence

"Most serious offence" was defined by selecting the charge against each accused which carried the longest maximum penalty under the Criminal Code. It can be seen in Figure 19 that the most serious charge against most accused under bail supervision related to property. Crimes against the person were the second most frequent type of offence in five out of the eight cities. There is a noticeably higher percentage of the "other" offence category in British Columbia cities. Drug offence cases are notably higher in Calgary than in the other cities.

FIGURE 19



5) Outcome of Supervision Cases

Figure 20 illustrates the outcome of supervision cases - that is, the disposition of cases at the time supervision was terminated. With the exception of the two cities in Saskatchewan, the most common outcome of cases was a court sentence that included a fine, probation order, or jail term. In Regina, 50% of cases and in Saskatoon, 40% of cases were breached sometime during their supervision period. Winnipeg and Edmonton cases had breach rates between 30 and 35%, Vancouver had about 25%, Victoria and Calgary were below average at 10 to 20%, and Prince George had a low breach rate of about 7%.

FIGURE 20

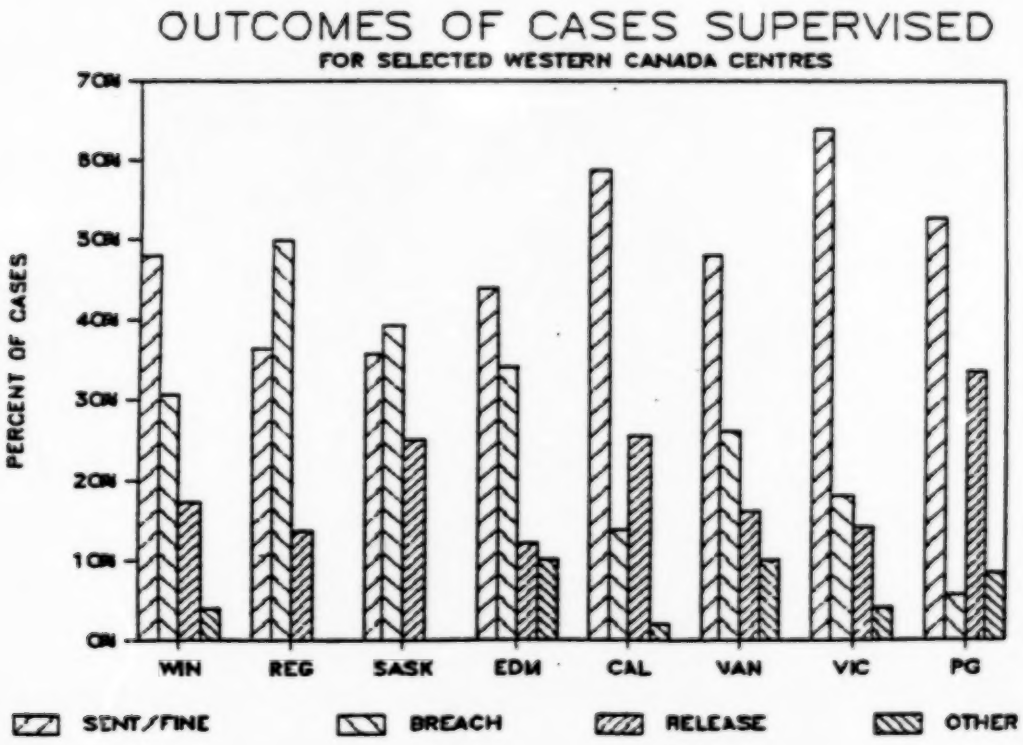
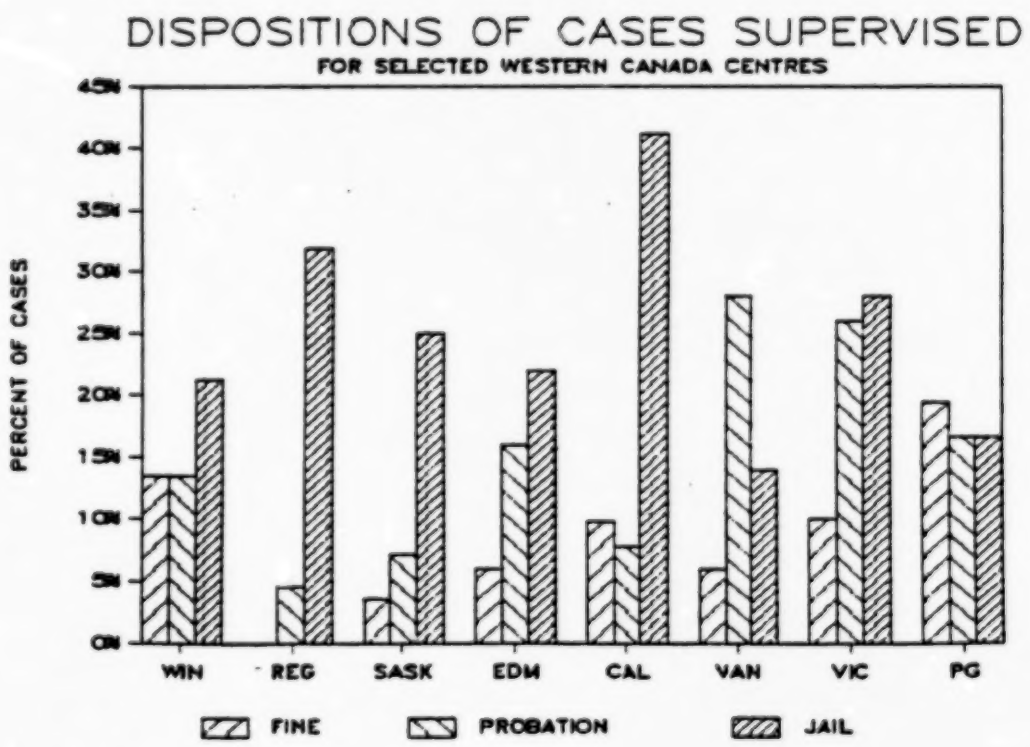


Figure 21 exhibits in greater detail the results of those cases receiving a sentence disposition. In six of the eight cities, a jail sentence was the most frequent disposition. Only Vancouver, where the majority of accused received probation terms, and Prince George, where cases received slightly more fines than either probation or jail, differ from the norm. In Calgary, Regina, and Saskatoon, jail is clearly the most frequent sentence disposition. The proportion of cases receiving probation orders is highest in the three cities in British Columbia.

FIGURE 21



COMPARISON WITH ONTARIO DATA

It was noted in the introduction that Ontario also has bail verification and supervision programs in operation, and that a major evaluative study was undertaken in 1984. The purpose of this section is to briefly compare the results of the Ontario study with data from the present study.

When the service delivery statistics for Ontario are combined with those of Western Canada, it can be seen in Table 1 that the total average caseload in Canada during 1983-84 was about 3,400, while intakes totalled over 10,000. Western Canada can be seen to have more than three times the caseload and intake per 10,000 population than Ontario.

TABLE 1 - BAIL SUPERVISION ACTIVITY IN ONTARIO AND WESTERN CANADA

	Ontario	Western Canada	Total
Population (1981 Census)	8,624,700	6,976,700	15,601,400
Average Caseload (1983-84 Approx.)	950	2,400	3,350
Total Intakes (1983-84 Approx.)	2,500	7,700	10,200
Caseload per 10,000	1.10	3.44	2.15
Intakes per 10,000	2.90	11.04	6.54

For those variables that could be matched, Table 2 presents a comparison of case profile statistics. It can be seen that there is considerable likeness between Ontario and Western Canada bail supervision cases.

TABLE 2 - COMPARISON OF ONTARIO AND WESTERN CANADA BAIL SUPERVISION CASE PROFILES

	Ontario	Western Canada
Average Age	24	27
Percent Male	86	82
Percent Convicted	60	54
Percent Breached	28	25
Percent Property, Person and Drug Charges	100	84
Total Number of Cases in Sample	60	339

CONCLUSION

While operating in Western Canada since the early 1970's, bail verification and supervision programs have significantly expanded since 1980. Of the ten programs studied in the eight city sample, six were implemented or had been significantly restructured in the past four years. Bail supervision caseloads have continued to increase at an annual rate of 16.5% over the last five years.

Bail services are delivered to the courts in a variety of shapes and forms across Western Canada. While there may still be a relatively high number of people in jail because they cannot meet cash bail conditions, bail assistance programs are targeted to help this group. Where a need is identified by the court for more detailed information on an accused person, there are programs designed to gather and report the information required. In over 50 offices, bail supervision services are available, providing the local judiciary with an important alternative in the consideration of accused persons for pre-trial interim release.

While most programs have a slightly different way of doing things, they are generally attempting to achieve the following objectives:

° Provide an alternative to jail for those accused who would normally be denied pre-trial release;

° Provide service to the court with information relevant to the interim release of accused; and,

° Monitor accused persons released into the community with a condition of supervision.

Bail supervision programs are operational in every major centre in Western Canada, available as an alternative to jail. However, to accurately assess whether or not bail programs in the eight cities are achieving their objectives would require a greater level of effort than the present study. On a subjective level, it would appear that bail supervision has some impact on institutional remand counts. Unfortunately, the actual degree to which bail supervision programs lower remand counts is impossible to estimate at the present time.